the weekly
Standard
NOVEMBER 20, 2000
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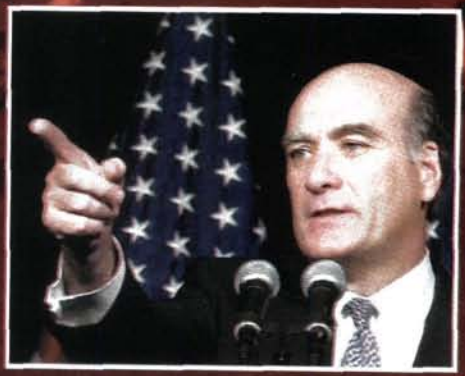
RADIO TIME CAPSULE
DAVID GELERNTER

The Bitter End



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the weekly Standard

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The Professoriat: The Second Oldest Profession

"A theater of distraction and misdirection"—Henry Hyde's elegant phrase, originally used to describe the fatuous defense mounted by President Clinton's lawyers during his impeachment trial, kept echoing back to us last week. In all but its particulars, the case presented by Vice President Gore's operatives, in the matter of the Florida vote, employed exactly the tactics developed by the president's men during the unpleasantness of 1998 and 1999.

The tactics are easy to summarize. Use time as a weapon; delay is your friend. Trivialize the weightiest questions into chat-show fodder. Exploit the public's (and the press's) ignorance of, and impatience with, constitutional procedure. Play the race card whenever possible (and it's always possible). Stake out the most outrageous position you can and force your opponents to respond; the more they do so, the less outrageous your position will seem, until it appears almost plausible, and then, owing to constant repetition, inevitable. And before too long, bring out the professors.

And here they were, making their grand entrance on Friday last week, with the publication in the *New York Times* of a full-page ad. "THE ELECTION CRISIS" screamed the headline, and from there the tone grew more portentous, not to say hysterical. We go on to read: "There is good reason to believe that Vice President Gore has been elected President by a clear constitutional majority of the popular vote and the Electoral College."

Actually there isn't a very good reason to believe this at all, especially in light of the striking intellectual solecism, "constitutional majority of the popular vote." There is no such thing, as anyone with a passing knowledge of the Constitution would recognize. Even more remarkable is the advertisement's closing clarion call for new elections in Palm Beach County.

The ad, in short, is merely a full-throated reiteration of Democratic talking points—a piece of propaganda—capped by a proposal (new elections) that even the Gore campaign hasn't yet dared make explicit. No wonder that at the bottom of the page one finds such signatories as Bianca Jagger and Rosie O'Donnell and Robert De Niro—this is intellection Hollywood style. But what of the other names? What of Bruce Ackerman of Yale, and Cass Sunstein of the University of Chicago, Ronald Dworkin of NYU, and—could it be?—Michael Walzer of Princeton?

Not so long ago, these were considered by some serious people to be serious men; liberals, to be sure, but liberals of a moderate bent, open to reasonable and deliberative argument, not totally susceptible to the contagions of academic fashion. And in truth it is not academic fashion they have succumbed to here, but the grossest sort of partisan politics. With this ad, they stake claims well beyond those made by most sensible liberals—by (for example) the editorial pages of the *Washington Post* and the *Times* itself. They descend to the level of party hacks, doing the work of desperate and irresponsible pols. Surely there's a less dishonest way to audition for a Gore appointment to the Supreme Court. ♦

Da Son o' da Mare Is Shocked

THE SCRAPBOOK thinks it knows why poor Bill Daley shows such distress over those voters who "miscast" their ballots in Palm Beach. Cook County, Illinois, where Daley was raised, had a long tradition of "four-legged voting." This is a technique perfected by employees of Daley's late father, who was himself once active in Cook County politics. In four-legged voting, a polling official will physically walk an aged, infirm, confused, or merely reluctant voter into the voting booth to ensure that the vote is correctly cast—or, as Bill Daley might put it, that no "irregularities" occur. In fact, during the tenure of Daley's father, so few irregularities occurred that many precincts routinely reported Democratic vote percentages topping 95 percent. Now that's regular!

The irony that Bill Daley is overseeing Al Gore's continuing campaign has not, it seems to us, been sufficiently remarked. Daley continues to insist, as a loyal son should, that his father was a great man, but it's useful to recall in what precisely the Daley greatness consisted.

The new biography of Richard J. Daley, *American Pharaoh*, offers an interesting summary of the routinized fraud that Daley's machine imposed on his Chicago fiefdom for two decades. "Voting fraud began on registration day," the biographers write. Transient hotels were canvassed for names that could be used as "voters." Graveyards were canvassed, too, of course. Election judges were bribed, when bribes were necessary. Republican poll watchers who asked too many questions were detained by police. Goons were hired to threaten goody-goodies and rough up malcontents. And so on—all this and more was documented in the *Chicago Tribune*'s famous 1972 expose of local

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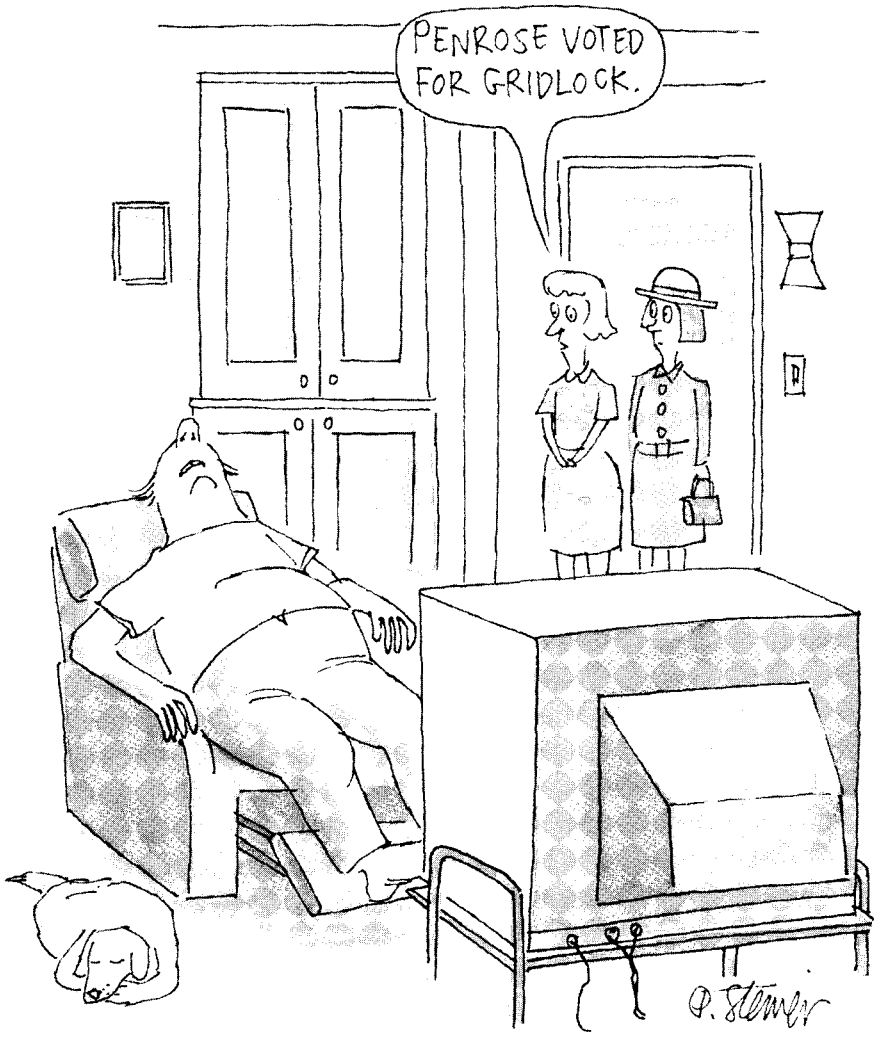

vote fraud, and most of these tricks were used in presidential campaigns, too, including in 1960.

Nowadays, of course, voting in Chicago as elsewhere is a much more antiseptic exercise, and these "irregularities" are considered merely quaint in retrospect; sophisticates are supposed to remember the Daley era with fondness. And remember it we should, especially when Bill Daley calls the suddenly famous "butterfly ballots" an "injustice unparalleled in our history," as he did last week. That Richard J. Daley's youngest son and most talented protégé can say such a thing with a straight face is perhaps a testament to how far we've come—or, more likely, to how far Bill Daley will go. ♦

Take Back (Part of) Vermont

THE SCRAPBOOK has cultivated a particular interest in Vermont this year. In these pages last spring, Geoffrey Norman and David Orgon Coolidge detailed the various depredations inflicted on the state by a progressive political class—not the least of these being a "civil unions" (read: gay marriage) law rammed through the state legislature over the explicit objections of a majority of Vermonters. Immediately after the law's passage, "Take Back Vermont" signs popped up around the state. Many pro-civil union legislators lost unexpectedly during the primary in September, and the trend carried into Election Day. Republicans gained at least 12 seats (maybe more, pending recounts), to form a solid majority of 80 members in the 150-seat state house of representatives. Less dramatic but still substantial gains were made in the state senate, where a Democratic-progressive majority has fallen to 16-14.

Chances for any striking redirection in the state's political culture seem slender, though. As we go to press, Governor Howard Dean has avoided a runoff against his Republican opponent, Ruth Dwyer, by barely clinging to 50 percent of the vote. Not that a runoff would matter. Dwyer won only 39 percent, failing to match the 41 percent she won against Dean when she challenged him in 1998. She accepted her defeat with characteristic candor. "I think we did as well as any group of people could have done," she told supporters on election night. "But the people of Vermont clearly don't believe what we believe, and we've got to accept that."

The members of the new Republican majority in the house might have cause to dispute that assertion. Even so, the future of conservative politics in Vermont, if there is one, will depend on how they govern over the next two years. ♦

Advanced Electoral Law

"This isn't about some numbers game or just simply counting up the ballots."

—Gore campaign senior adviser Ron Klain, Nov. 9, 2000.

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Casual

Toeing the Party Line

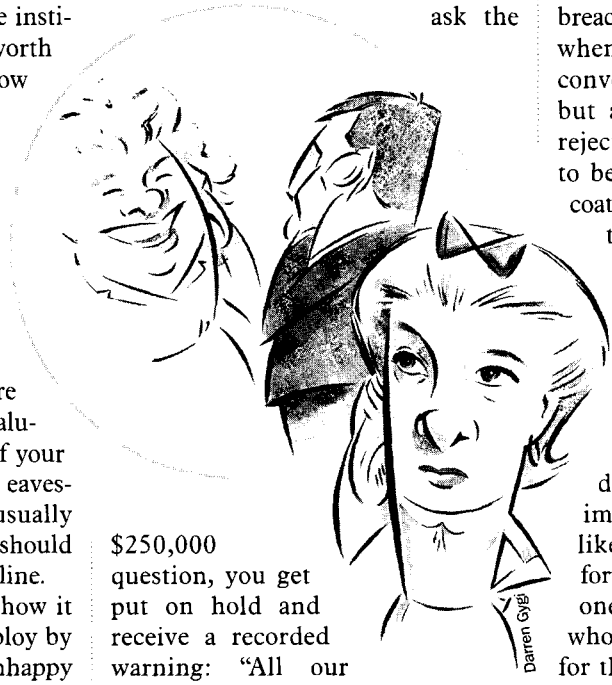
I'm no red-diaper baby, but I grew up hearing lots of talk about the party line. This had nothing to do with politics. The party line was the phone line we shared with the neighbors—a rapidly dying practice, according to an article in *USA Today*. There are apparently only 5,000 of these multi-household phone lines left in the country, and they won't be around much longer. But party lines were once a way of life for millions of (mostly rural) Americans. And before this venerable institution finally disappears, it's worth pausing to remember . . . just how hideously awful it was.

The *USA Today* reporter paints a somewhat romantic picture: "Though the lines lacked privacy," he writes, "they helped build a sense of community." No, I'm sorry. This is like saying, Though the abandoned pickup trucks in my neighbor's front yard were unsightly, they helped create valuable habitat for wild rodents. If your idea of "community" includes eavesdropping, prying, and unusually authoritative gossip, then you should mourn the passing of the party line.

For the uninitiated, this is how it worked. The party line was a ploy by Ma Bell to make customers unhappy and thus willing to shell out for more expensive private service—to up-sell, as the marketers now say. The more neighbors you shared the line with, the cheaper your rates. As a Bell engineer wrote in 1899, the up-selling strategy "cannot be accomplished unless the service is unsatisfactory. It therefore requires that enough subscribers be placed on a line to make them dissatisfied and desirous of a better service."

But Bell and its smaller rivals underestimated the willingness of people to put up with lousy service in order to save a buck. When I was a kid in backwater Indiana in the early 1960s, there were probably eight or ten families on our line. That went down to four by the time I was in high school, which was still three too many as far as I was concerned. Anyone on the party line could listen to anyone else's calls, and often did.

Nowadays, if you call, say, your cable company to scream that your TV has flickered out just when Regis was about to ask the $250,000 question, you get put on hold and receive a recorded warning: "All our calls are monitored to ensure proper service." Same thing if you happen to call a military office. Instead of hello, you are advised by Private Bailey: "This is not a secure line." Try living this way on a daily basis. Such warnings—how to put this?—can inhibit a frank exchange of views. (I've always assumed, by the way, that no company actually monitors its calls to ensure proper service; they just want to intimidate their entry-level employees into a semblance of politeness. But that's another rant.)



Of course, you never actually got a warning from your neighbors. At best, you might be put on notice by Mrs. Smith's heavy breathing or Mr. Jones's tobacco chewing. But you had to assume someone was listening all the time. You think you were nervous asking someone out on a first date? Try doing it with a heavy breather listening in. This is a recipe for a lifetime of phone paranoia and self-consciousness.

For anyone who has ever lived with a party line, the first private line is one of those milestones of modernity, like indoor plumbing or central heating. Which is why we're probably more astonished than most people to hear someone with a cell phone freely sharing her intimate conversation with a sidewalk full of strangers. The breach of manners is not what jars us; when we overhear a private phone conversation it seems not a novelty but a throwback—almost a willful rejection of progress. Like choosing to beat the dust out of your winter coat with a stick instead of sending it to the cleaners.

People basically had two approaches for coping with the party line. The well-behaved majority kept their calls brief and to the point. Assuming that anything they said might very well end up in the public domain, they led phone lives of impressive decorum. The others, like people today who heedlessly forward dirty e-mail jokes to everyone in their company (you know who you are), seemingly cared little for their public reputations. Indeed, there were more than a few provocateurs who enjoyed saying something outrageous whenever they heard the rattle of Miss Brown's dentures. They knew she couldn't utter a reproach without exposing herself as a snoop.

It's a little-known fact that the highest rates of violence in America have traditionally been not in the city but in rural areas. Sociologists claim not to understand this, but I suspect they overlook the role of the party line.

Richard Starr

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Don't Call Me, Al

William Kristol makes a misleading statement in his editorial "Nothing to Offer But Fear Itself" (Nov. 6). Kristol states that prerecorded calls from the Gore campaign have deniability as to their origin since there is no disclosure of who is paying for such calls, "while disclosure is required of TV and radio commercials." This incorrectly implies that disclosure is not required on these prerecorded calls. Nothing could be further from the truth.

The federal Telephone Consumer Protection Act of 1991 (a legislative act supported by then senator Al Gore) requires that all prerecorded calls give both the name of the organization sponsoring the call and a telephone number or address where the sponsors can be reached. The prerecorded calls from the Democrats lacked both of these required identifications, hence they were in violation of federal law (see 47 CFR 64.1200 (d)(1)-(2)). An opinion from the chief of the enforcement division of the FCC's common carrier bureau indicates that even non-commercial political calls must provide identification of the organization sponsoring the call.

I have received four of these illegal calls on my cell phone (calls that I am billed for). The Michigan Democratic State Central Committee, who eventually admitted responsibility for the calls, believe they are exempt from the federal TCPA requirements. It will be necessary to have a judge tell them their behavior is unacceptable. Hence, I filed a lawsuit against the MDSCC in the Michigan 53rd district court for their illegal calls.

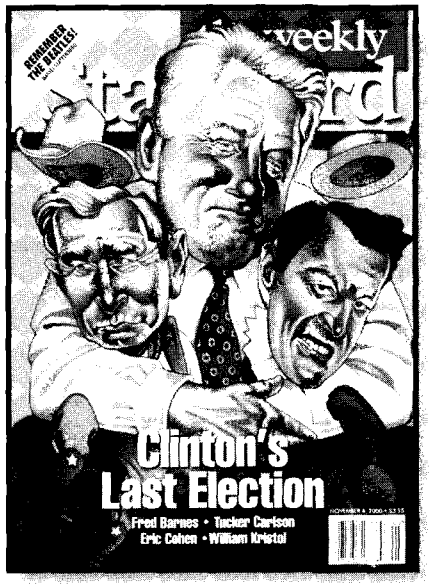
Lawrence J. Tucker
Whitmore Lake, MI

She Votes for George

I was hoping Daniel Wattenberg's article assessing the Beatles' individual and collective strengths would mention George Harrison's undeniable contribution to their music, not only as the one "usually considered the best instrumentalist," but as a songwriter ("Remember the Beatles!" Nov. 6).

All the songs George wrote are authentic, catchy, intelligent, and rousing—indeed, some of the Beatles' best—and seem among the freshest of all today. "Taxman," "Love to You," and "I Want to Tell You" from *Revolver* are all Harrison's, as are "Think For Yourself" and "If I Needed Someone" from *Rubber Soul*, and "I Me Mine" from *Let It Be*. George is and always has been underrated, and Wattenberg missed the opportunity to point this out.

Harrison also made some good music after the Beatles, it might be noted; whereas Paul McCartney has rarely turned out anything that could be called beautiful in the post-Beatles era, and I find most of his music throughout the past few decades to be strained and jarring montages that are neither powerful nor moving. Paul really did lose something irreplaceable when he lost the influence and presence of John Lennon.



Amanda Bernsen
Deerfield, IL

Picture This!

I am a West Virginian, a Republican, and an annoyed reader. Matthew Rees's "Will West Virginia Go Republican?" (Oct. 23) was excellent and accurate until he took a cheap shot by "reporting" that fast food restaurants in the state advertise "picture menus for the illiterate."

In the past few months I have traveled through Virginia, North and South Carolina, Georgia, Florida, and Maryland. In each of those states, out of habit, I had to eat. I stopped in all sorts of establishments and saw essentially the same menu—complete with pictures—in every one of the previously mentioned states. I suspect the same is true of restaurants in most other states and the District.

Homer H. Lohr Jr.
Anmoore, WV

Global Hate

I was shocked and dismayed after reading Michel Gurfinkiel's "Black October" and discovering that Jewish people in France are being harassed and attacked (Oct. 30). How horrifying to know that in three weeks six Jewish synagogues were burned to the ground and innocent Jewish children were molested and hounded. I used to think that racial hatred was something America invented, but by traveling around the world I have seen hatred in so many different degrees that it is unfathomable. The world needs to wake up and learn to understand other people's differences and start getting along.

Paul Dale Roberts
Elk Grove, CA

Epstein's Bloomer

Joseph Epstein's writing is among my favorite in The Weekly Standard. But in "H.W. Howler," he howls too much (Nov. 6). According to my copy of *The Chambers Dictionary*, a bloomer is "an absurd and embarrassing blunder," exactly the word that Professor Shattuck intended. Too bad Epstein's spell-check program is not linked to a good dictionary.

Cole Kendall
Washington, DC

Joseph Epstein replies: I thank Mr. Kendall for his kindly letter. I owe an apology to Roger Shattuck, his publisher and proofreader, and to the readers of The Weekly Standard. To have made this mistake in a Casual about mistakes is doubly mortifying. The whole thing has my knickers, if not my bloomers, in a terrible twist.

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A world of ideas on public policy.

The Pharmatech Industry in the New Economy

by Merrill Matthews, Ph.D.

The cost of prescription medicines has become a hot topic of debate in many countries. Critics assert that drug prices are too high, and some advocate de facto or explicit price controls on prescription medicines. But are price controls good policy? How would they affect the ability of drug companies to research and develop new medicines? And how many deadly or debilitating diseases might go untreated or uncured as a result?

Differing research and development costs help to explain why some drugs are affordable while others are expensive. In 2000, pharmaceutical companies world-wide will spend more than $26 billion developing and testing new drugs. These companies have to recover their costs in order to continue researching new cures and treatments. Price controls reduce incentives to discover new medicines, and they would lead to political rather than technological considerations in determining what drugs to develop – and whom to treat

There are two different pharmaceutical industries. The first mass-produces generic medicines, aspirin, cold medicines, ointments and other over-the-counter (OTC) drugs. This industry fits nicely into an Old Economy model in which competitors try to produce products or services similar to those of more successful rivals, but at lower prices. The other pharmaceutical industry – the "pharmatech" industry – follows the New Economy model in which companies spend heavily to create and test a patentable product, but then incur minimal reproduction costs. In the New Economy, the primary barrier to entry is the high cost of developing an innovative product that can then be patented, thereby enabling the discoverer to recoup its costs.

> ***The pharmaceutical industry's need for temporary patent protection is an inherent function of a high-tech industry in an information-based economy***

Unlike Old Economy companies that sell the same product year after year, pharmatech and other New Economy companies can earn profits only by continually releasing new or upgraded products. The pharmaceutical industry's need for temporary patent protection is an inherent function of a high-tech industry in an information-based economy. The price of innovation is temporarily high costs for certain medicines. Price controls threaten to restrain or undermine that innovation.

Although many prescription drug manufacturers are profitable, those profits are not out of line with other successful New Economy industries that produce high-demand products – or even with some Old Economy companies that market patentable or copyrighted material. In fact, most drug companies are profitable not because they charge excessive prices, but because doctors and patients want their products so much. Although pharmaceutical spending increased at a 13.7 percent average annual rate between 1995 and 1999, most of that increase resulted from increased sales volume, not higher prices. Consequently, price controls would do little to restrain overall drug spending.

If public officials really want to control prescription drug prices, they would do well to rely on competition rather than on government fiat. In fact, the drug industry is already competitive – no single pharmaceutical company controls more than 7.2 percent of the U.S. market. Moreover, increased spending on direct-to-consumer advertising and R&D indicates that the pharmaceutical industry is becoming still more competitive as companies vie for market share. If market forces are allowed to operate, that competition will eventually lead to lower prices.

Competition in a market free of excessive regulation is the best way to keep drug prices low. Price controls almost invariably inhibit research and development, and result in shortages and rationing – as the experiences of Europe and Canada demonstrate. By contrast, when drug companies face the need to compete more effectively, they voluntarily reduce prices and seek new ways to get innovative products to market faster.

Dr. Merrill Matthews is a Visiting Scholar at the Institute for Policy Innovation (IPI) in Lewisville, Texas. This article is excerpted from Dr. Matthews's new IPI Policy Report, Prices, Profits and Prescriptions: The Pharmatech Industry in the New Economy. The full report is available at www.ipi.org <http://www.ipi.org> , or by calling +972/874-5139.

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the weekly Standard

Gore's Spoiled Ballot

The presidential election of 2000 is the impeachment drama of 1998-99 all over again. And Al Gore is Bill Clinton. Only Gore's behavior is worse—worse because Clinton's misdeeds were of a gravity about which people might at least plausibly disagree. What Gore has done is directly challenge something explicitly articulated in the Constitution and therefore indisputable—and indisputably central to our system of government: the mechanism by which we have selected our chief executives for more than 200 years. This is rather a big deal, is it not?

No good can come of the massive confusion Gore's designated lieutenants have deliberately sown, in his name and at his behest, since Election Day last week. They have publicized unsubstantiated—indeed, altogether baseless—accusations of illegality against the popular-vote canvass conducted in Palm Beach County, Florida. They have loudly insisted that this purported illegality will be corrected only when Gore is finally awarded Florida's 25 decisive electoral votes—*whether or not* it can ever be shown that his name was checked on a plurality of valid ballots originally cast in that state. Worst, perhaps, they have done violence to civic understanding in America by repeatedly suggesting that because Gore appears to have won a plurality of the nationwide popular vote, he somehow *deserves* Florida's electoral votes—and thus the presidency.

It is a scandal that any major-party presidential candidate should ever authorize such a claim to be made on his behalf. As a matter of constitutional law, the nationwide popular vote is an entirely irrelevant consideration here. No man has ever campaigned for the nationwide popular vote, and no man has ever been elected president because he's won it. Like it or not, the Electoral College is *everything*. Intimating otherwise, and in the same breath circulating fictions about polling-place irregularities, the Gore camp has done its best to ensure that should George W. Bush eventually be elected president, some faint whiff of illegitimacy will hang over his administration. It will be unfair and corrosive. We hope that doesn't happen.

But if it does, it will still be better than either of the two alternatives Team Gore prefers. It remains possible that Gore's campaign will yet succeed by more or less legal and ordinary means—that the ongoing review of Florida's Election Day ballot will ultimately secure him the votes he needs to overtake Bush. In which case it will be proper and necessary for Gore to be inaugurated come January. Trouble is, our president will then be a man who has in the meantime proved himself wholly unconscious of, even hostile to, the most fundamental obligations of his office. The same will be true in the unlikely event that Gore captures the White House by the bizarrely extra-legal means he and his lawyers are now proposing to the Florida courts: that Palm Beach County's November 7 ballot be invalidated and replaced by a full-scale, do-over election in that lone jurisdiction. In which case Gore will have become president by instigating a *genuine* crisis of governmental legitimacy from which the country—for reasons we will come back to—might have difficulty recovering.

No one should be surprised by what's already transpired, really. Not long ago, after all, Bill Clinton made systematic assault on essential elements of our democracy's republican character. That the president must consistently accept and respond to questions about his conduct; that his subordinates must never become a personal palace guard; that he must always obey the law—all these traditional doctrines of constitutional formalism Clinton defied. Democratic partisans, nearly the whole of the party, sustained him in this defiance. They thereby signaled their rejection of constitutional formalism—its organization of government around impartially administered rules and procedures—in favor of a politics devoted first and foremost to the business of winning this week's fight.

Then these same Democrats nominated one of their own, Clinton's unflaggingly loyal vice president, to succeed him. And now Al Gore has made war, for the convenience of his ambition, on *the* rule and *the* procedure around which the nation's entire public life quadrennially revolves: the election of the president.

We should all of us clearly understand the precise nature of this war. In late October, when suspicions emerged that the Democratic ticket might triumph on Election Day without a popular plurality, Gore spokesmen were quick to broadcast a preemptive demand that no one dare question the legitimacy of such a result. And they were right to do so. Hours after the polls closed last Tuesday, however, when it seemed clear that Gore and his running mate had won the popular vote—but might actually *lose* the Electoral College by a hair in Florida—Democratic campaign representatives and associated party leaders wasted no time at all executing a total *volte face* of spin.

By 4:00 A.M. on Wednesday, Gore talkers had begun rit-

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ually asserting that of "first" importance was the fact that Gore had won the popular vote—and that this fact was somehow inextricably related to the "will of the people" the election was meant to express. By Wednesday afternoon, Senate minority leader Tom Daschle had declined to promise that his Democratic caucus would accept the "legitimacy" of a Bush presidency. Democratic National Committee chairman Joe Andrew had announced that George W. Bush was absent from the election's "big picture"—that Gore alone had "earned and won the support of the American people." In New York, Hillary Rodham Clinton had wished aloud that Gore should be given all the votes she knew people "intended for him to have."

And in Nashville, Gore himself had popped briefly into view to share his concern that developments he left unspecified had called into question "the fundamental fairness of the process as a whole." And incidentally, he offered, "Joe Lieberman and I have won the popular vote."

Then Gore retreated, Bill Clinton-style, into silence. And soon enough his lawyers were litigating, David Kendall-style, all those purported "illegalities" in Palm Beach County. And his fund-raisers, Terry McAuliffe-style, were ponying up the cash the lawyers would need to litigate some more. And Jesse Jackson, Jesse Jackson-style, was in Florida collecting—but not revealing—evidence that Gore-supporting minority voters had been subjected to "intimidation" at polling stations across the state. And the usual know-nothing celebrities and cynical law professors were taking out another full-page ad in the *New York Times*, this one decrying the fact that while Al Gore had been elected president by "a clear constitutional majority of the popular vote and the Electoral College" (whatever that is), that result had so far been "nullified" in a manner that threatens "our entire political process." Maybe we should have "new elections in Palm Beach County," this Emergency Committee of Concerned Citizens suggested.

During the Lewinsky scandal, the last time a leading political figure so spectacularly violated some taboo, the nation listened in passive astonishment as the malefactor's allies constructed a similarly ridiculous set of excuses for him—and launched heedless attacks on anyone or anything that might stand in the way of his victory. The nation listened and listened and listened. Until the arguments seemed no longer bogus but comfortably familiar. And we lost all collective capacity for effective resistance.

This time, this year, as the order and integrity of a presidential election hangs in the balance, it is important that Americans stay focused and alert to the end. It is important that they know and remember two things in particular.

First, it is a *lie* that Palm Beach's presidential ballot last week was "patently illegal," as Gore partisans charge. True, as you have no doubt heard, Florida election law requires standard paper ballots to list candidates in a specified order, with the check box to the right of each name. True, too, Palm Beach observed neither of these strictures.

But that is because Palm Beach County employs machine-readable ballot cards, to which the rules for paper ballots do not apply. A separate provision of the Florida Code governs the use of such cards. The arrangement of their printed text is supposed to conform to that of paper ballots, but only "as far as practicable." And the placement of their check boxes need not conform to paper ballot requirements at all: The boxes may appear "in front of or in back of the names of the candidates."

Palm Beach's ballot was approved by representatives of both major parties in advance of the election. It was then published in the newspaper and distributed to the voters by mail. And it was used successfully, without complaint or incident, by upwards of 95 percent of those voters on Election Day. Yes, it does seem likely that some number of Palm Beach voters were confused by the ballot and failed to cast the votes for Al Gore they had intended. There may even have been enough of them to give Gore a statewide plurality—had they cast valid ballots.

But they didn't. And as a narrow legal matter, there really isn't much more to say than that. Two thousand confused voters cannot render invalid several hundred thousand ballots cast by Palm Beach voters who managed to follow the rules. And nothing in Florida statute or precedent says otherwise. The Palm Beach ballot was legal.

And yet, say Gore's men, the confused Palm Beachers *wanted* to vote for Gore, which means that Florida as a whole wanted to vote for Gore, which means that Gore really should have won the state's electoral votes and really should be declared our president-elect. The "will of the people," as reflected in the nationwide popular vote, must be effected, or last week's entire election was a fraud.

Ah. Here's the second and broader point Americans must remember as they listen to this complaint in the coming days. It is not true, as Gore campaign chairman Bill Daley has contended, that our national elections are designed to ensure that "the candidate who the voters preferred becomes our president." Our national elections instead are designed to ensure that the candidate the voters *voted for* becomes our president. And it is only from such votes, filtered through the Electoral College, that any meaningful "will of the people" can be determined. Any effort to impute such a national will from some other source and use the imputation to delegitimize an election whose results seem vaguely inconsistent is an effort to overthrow the constitutional system and replace it with banana republic-level chaos. In the United States, we do not conduct mulligan ballots whenever some losing candidate's supporters claim they were somehow prevented from getting it right the first time.

If, when Florida concludes its recount, it turns out Al Gore won Florida on Election Day, he should be president. If Bush proves the winner, the same should be true. No other outcome is acceptable. And none should be tolerated.

—David Tell and William Kristol

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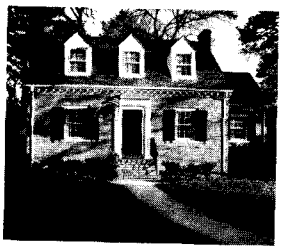

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The Age of Parity

The battles will be nasty because the stakes are low. BY DAVID BROOKS

THIS COUNTRY IS TIED. Over the past decade, we've had an information revolution, a huge wave of immigration, large demographic shifts. We've impeached a president, seen the emergence of Third Way Democrats, and watched the rise and quiescence of the Gingrich revolutionaries. And after all this change and turmoil, the country is more evenly divided than ever in its history.

We've had close presidential elections before. But now there is parity up and down the political system. The Republican majority in the Senate is razor thin, and it could disappear with a couple of untimely deaths. The House, too, is split down the middle. If you take the congressional election tallies over the past six years and add up all the results, you find just about the same number of votes cast for Republican candidates as for Democratic candidates. Meanwhile each party apparently controls the same number of state legislatures—16. In another 15 bicameral states, the legislature is split, with each party controlling one chamber. This is truly an age of parity.

How did we get here? Is there some Mystical Mom up there who took all the political goodies in the country and divided them evenly among her squabbling kids? Maybe. But my explanation starts not with a look to the heavens, but with a look to a book that was written a few years ago by Jonathan Rauch called *Demosclerosis*. Rauch drew upon some work that free-market economist Mancur Olson had done on the rise and decline of nations. Olson noticed that far from being hurt in the long run by the destruction of much of their political and economic infrastructure during World War II, Germany and Japan actually seemed to benefit from it. He theorized that in times of stability, barnacles grow on a nation, gradually weighing it down. World War II destroyed those barnacles in the defeated nations. And after the war, those countries were streamlined, and could rise with incredible speed.

Rauch applied the same idea to Washington, pointing out that, during our postwar period of political stability, barnacles have grown so thick on the structures of American politics that you can barely see the basic institutions underneath. There are all the special interest groups, the lobbying groups, the donor organizations, the unions, the trade groups, the activist organizations, and on and on. Together they weigh things down and frustrate change. Rauch chose a medical metaphor rather than a seafaring metaphor and said all these groups clog the arteries of politics, leading to demosclerosis.

Now we see that the result is not just stagnation; it's stagnation in the form of equilibrium.

Look at how tightly the special interest networks dominated this election. In each party, the established network of interest and activist groups settled on a nominee early. In the Democratic party, the unions, the trial lawyers, the feminist groups, and the liberal interest groups settled on Al Gore and scared off all primary challengers except the quixotic Bill Bradley. In the Republican party, the establishment drafted George W. Bush, who was not exactly thrusting himself forward to be president. And the establishment—the Christian coalition, the big donors, various conservative organs such as the *Washington Times*—worked together to fend off the insurgent challenge from John McCain. Then the two parties poured in unprecedented amounts of money and manpower to support their candidates. Indeed, the loosely organized networks of activist and interest organizations sometimes seemed to overshadow the candidates themselves. This was the first time in American history that more soft money was spent in political ads than hard money was spent by the candidates themselves.

The first effect of this change was that the issues that matter most to the best-funded special interest groups, money and materialist issues, tended to dominate the campaign. When Ronald Reagan ran, his speeches were filled with soaring ideas about America's destiny and human freedom. Hubert Humphrey represented a lofty liberal vision of a just society built on the basis of equality. Bread and butter issues were important to both men, but these were supplemented and ennobled by larger beliefs. But the 2000 election was consumerist. Watching the two candidates speak about their rival plans was like watching an ad war between cellular phone rate plans: My plan gives you more choices! My plan gives you

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Illustrations by Earl Keleny

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more minutes! My plan gives you free prescription drugs on weekends and holidays! Missing were any idealistic calls to arms of the sort that periodically surge through American politics and sweep away materialist interests and established coalitions—abolition, civil rights, Reagan's reassertion of middle class values. This year there could have been a crusade for integrity, a combination of anti-Clinton revulsion and a desire to clean up Washington, but it was not to be.

The second effect of the dominance of the entrenched network of interest and activist groups is that we get campaign overkill. The two party establishments can pour so much money into their campaigns that they create a climate in which the airwaves in key states are inundated with ads and pleas. It's like World War I—after a while, all the heavy artillery does is make the rubble bounce. The candidates are forced to stick to their trenches because they know if they do anything unusual or untested they will get blown away by a barrage. Their massive firepower only creates stagnation.

So the great army loosely affiliated with the Democratic party and the great army loosely affiliated with the Republican party have fought each other to a standstill. In 1993 the Clintonite health care warriors led a Democratic offensive, which failed. In 1995 the Gingrich budget warriors led a Republican offensive, which failed. The defensive trenches held, and we've been sitting here ever since, tied.

Some people hope that this age of parity will force the parties to rush to the center and give us a great age of vibrant centrism and coalition building. Don't bet on it. There is a difference between stalemate and centrism. Neither of the two great networks that surround the parties is inclined toward that vital center (which in itself is a mythical creature like the unicorn). Indeed, the two great armies have now developed a symbiotic mutual-bogeyman relationship. Liberal activist groups like People for the American Way raise money off the supposedly menacing power of the religious conservatives, and vice versa. The unions and the business organizations have a similar interdependence. It suits them fine.

Instead of some dynamic centrism, we're far more likely to remain in a period of cranky stagnation. Already in Palm Beach we have seen how nasty things can get very quickly. This always happens when entrenched forces are locked in stalemate. It's like the joke that is told about Serbian Alzheimer's, or Northern Irish Alzheimer's, or Palestinian Alzheimer's: Sufferers forget everything but their grievances.

Whether the president is George Bush or Al Gore, he is going to have difficulty governing in this climate. Both men are beholden to their party establishments, but neither will be able to put together a governing majority. They will be hit not only by the opposing army, but also by true believers in their own ranks. Liberals will savage Al Gore, and we conservatives will hit George W. Bush, just as we did his father during the Clean Air Act and Americans with Disabilities Act campaigns. Negativity on stilts. The narcissism of small differences. The battles will be nasty because the stakes are low.

Is there a way out? If the leaders stay beholden to the interest and activist networks that elected them, probably not. But it is possible to imagine cures for demosclerosis. First, the president could select a few issues that cut across the current correlation of forces. For example, George W. Bush could name John Kasich his budget director and declare war on corporate pork. This would appeal to wonks on both right and left, but not to the party establishments, which benefit from all the spending programs that lard the federal budget (their lobbyists, after all, are the ones who created them). A few successful efforts like this would loosen some blockages. Who knows, a President Bush, elected by the establishment, might make a bid for greatness and govern as a renegade. FDR's campaign didn't foreshadow his presidency. Neither did JFK's.

The second thing that might help is some form of soft money ban. If special interests want to give money to politicians, that's fine. Let them give hard money to the candidates. That reform might take some power away from the establishments and give a little more flexibility to the candidates themselves.

But the stagnant equilibrium we see around us ultimately can't be changed by any clever rewriting of the rules. It will take a change in the voters' thinking. More voters will have to develop an insurgent mentality—a hostility toward candidates who emerge from the party establishments and come armed with the money and power of the entrenched networks.

It's hard for insurgent sympathies to develop in a time of peace and prosperity. But insurgencies are frequent in American politics—some of them long-lived, like Andrew Jackson's, some of them short-lived, like Newt Gingrich's. If times turn tough, an insurgent will emerge from somewhere, and the age of parity will be blown away—to be replaced, we will hope, by something better. ♦

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It's the Law, Stupid

How many lawyers does it take to win an election?

BY JAY LEFKOWITZ

IN AMERICA, even the electoral process takes a backseat to litigation. Well before the recount of Florida's ballots had concluded, several lawsuits had been filed, in both state and federal courts in Florida, seeking to set aside the results of the election in Florida and force a re-vote in Palm Beach County. Although all of the initial wave of lawsuits were filed by disgruntled Gore supporters claiming that the layout of the ballot used in Palm Beach caused them mistakenly to cast their votes for Reform party candidate Pat Buchanan, there have been rumblings that other lawsuits may soon be filed in Florida and other states by Republicans as well as Democrats, seeking to force recounts and perhaps even re-votes.

For anyone trying to make sense of this legal battlefield, three basic questions must be considered: What are the relevant laws and judicial precedents that govern this controversy? What is the appropriate judicial forum, state or federal, for such a dispute? And how should it turn out?

Let's begin with the legal issues. Those who are challenging the Palm Beach ballot are making two distinct arguments. First, they are claiming that the ballot used in Palm Beach County was unlawful because it did not comply with the Florida election statute that states that the space to place a voting mark must be "at the right of the name of the candidate for whom you desire to vote." (For Buchanan the hole to be punched was to the left.) Second, they are alleging that whether or not the ballot was lawful, it was so confusing that it disenfranchised many voters.

As to the legality of the ballot, it's not at all clear that the law mandating the placement of the voting mark actually applies to the type of ballot used here. On its face, this provision applies only in counties where "voting machines are not used," which would appear to exempt the Palm Beach ballot. Moreover, the legal doctrines of notice and waiver must also be factored into the equation. Florida law requires the publication of "sample ballots" before an election, and mandates that elector instructions accompany every ballot. But there is no indication that anyone from either party raised any objection to the Palm Beach ballot after it was circulated by the Democratic supervisor of elections, Theresa LePore, well in advance of the election. As a Florida court of appeals has held, "One who does not avail himself of the opportunity to object to irregularities in the ballot prior to the election may not object to them after."

With regard to ballot confusion, Florida law makes clear that an elector's right to vote is denied only where there is a "non-election," which the Florida courts have defined as a situation in which "there was not that full, free and open opportunity [for the voters] to express their choice." In another situation where voters claimed that they were confused by ballot formats, however, a Florida court of appeals held that as long as "a candidate appears on the ballot in such a position that he can be found by the voters upon a responsible study of the ballot, then such voters have been afforded a full, free and open opportunity to make their choice for or against that particular candidate." In other words, Florida requires ballots to be clear to "reasonable voters," but not necessarily to each individual voter.

When determining whether a voter was objectively denied a meaningful choice, Florida courts look beyond the face of the ballot to the "totality" of the circumstances, including the availability of assistance to help the voter discern the ballot, and whether in the end the voter was able to cast his or her vote. Because Florida law requires that each polling place contain a model ballot that illustrates how the voting in each election works, and mandates that before entering the voting booth, the voter must be offered "instruction in voting" and given an "opportunity to operate" the model ballot, there is a good argument that when the totality of the circumstances is considered, the Palm Beach ballot allows the reasonable voter to exercise a choice. It appears, moreover, that only a handful of people in Palm Beach County asked for any instruction or assistance, and all who asked received a thorough explanation of the ballot and, in some cases, a new ballot.

And then there is the problem of proof. As an empirical matter, a Palm Beach voter wishing to vote for Bush could just as easily have mistakenly punched the Buchanan hole as a would-be Gore voter—the Buchanan hole was one below the Bush hole and one above the Gore hole. Moreover, given that there is no way of tracing anyone's actual vote once it is deposited in the ballot box, there's no way of even determining who made whatever voting errors are now being alleged.

The next question is whether this controversy will ultimately be resolved in federal or state court. Although most of the lawsuits filed to date have been in state court, one Gore supporter filed an action in federal court last week only to withdraw it the same day (apparently out of a

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concern that the judge assigned to the case, Reagan appointee Kenneth Ryskamp, would not look favorably upon it). However, a federal court could certainly take jurisdiction over such a case. As the United States Supreme Court wrote in *Anderson* v. *Celebrezze*, elections for president and vice president "implicate a uniquely important national interest." Moreover, federal courts are often involved in questions relating to state rules governing the election process, most notably in ballot access and poll tax cases.

But a better case can be made for invoking the jurisdiction of the Florida courts. This controversy is fundamentally about which candidate will get Florida's 25 electoral votes, and the United States Constitution grants states wide latitude in selecting their electors to the Electoral College. Indeed, Congress has specifically empowered states by statute to codify rules governing the voting processes to be employed in each state. And Florida, like all states, has statutes and precedents for addressing irregularities in the balloting process.

The interesting thing is that whether a challenge is brought in a federal or state court, at the end of the day it may be the Florida legislature that holds the most important card of all—the authority actually to select Florida's 25 electors. The remedy being sought in all of these lawsuits is a re-vote, but federal law mandates that "whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State shall direct." What this suggests is that even if a court were to determine that the results of the Florida recount cannot be trusted, the court's only recourse would be to declare that no choice of electors has been made. That would leave the Florida legislature with the sole authority either to appoint the electors itself (a very difficult option politically) or to call for

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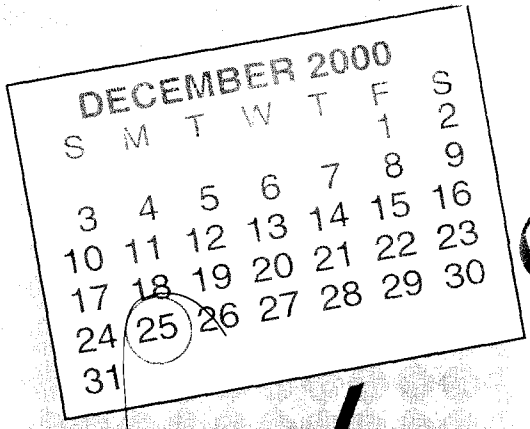

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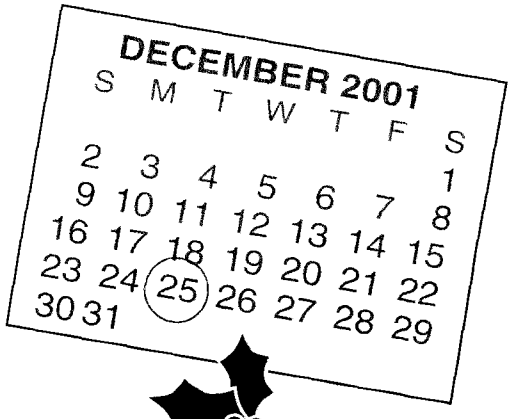

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a Palm Beach County or statewide re-vote.

Of course, any re-vote that could take place at this point is highly problematic. It would be a very different process, with very different political perceptions and implications, from the nationwide election for president, senators, and representatives that was mandated by the Constitution on November 7. As the Supreme Court wisely observed, in presidential elections "the impact of the votes cast in each State is affected by the votes cast for the various candidates in other States."

Whatever the courts do with these cases, however, timing is a critical factor. Federal law requires that the Electoral College meet and vote on the first Monday after the second Wednesday in December (this year, December 18). If on that date Florida has not yet selected its electors, the law states that the president would be whichever candidate had "a majority of the whole number of Electors appointed"—which at this point in time is Gore (although that too could change based on the results of any other recounts). And if neither candidate had a majority of the electors, then the election would be thrown into the House of Representatives pursuant to the 12th Amendment.

So what is the most desirable outcome of all this litigation? Given the facts in Palm Beach, the courts (even the Democratic judges in Palm Beach County) should resist the temptation to interfere in the political process. All over America there are counties in which vote totals can be litigated and re-litigated, and in which voters can make all sorts of claims of confusion and misunderstanding about the voting process. But as the Florida appellate courts have made clear, "mere confusion does not amount to an impediment to the voters' free choice if reasonable time and study will sort it out." Because the overwhelming majority of voters in Palm Beach County had no problem using the ballot and there is not even an allegation of fraud, there is no legal basis for setting aside this election. ♦

The Real November Surprise

The Gore campaign's Florida offensive caught the Bush camp off guard. BY MATTHEW REES

Austin

AS FURIOUS as Republicans were last week about Al Gore's "attempted coup d'état," they also were heard grumbling about the Bush campaign's initially tepid response to the Gore offensive. "I'm afraid Bush may win the battle but lose the war," said a leading Republican operative, fearing the post-election atmosphere could be so poisoned as to make governing all but impossible. He contrasted the Bush campaign's bunker mentality with the Gore campaign's unrelenting effort to taint the legitimacy of the Florida vote.

But by the weekend, Republican grumbling had dissipated. At a Tallahassee press conference on Friday, Bush emissary James Baker was judged to have struck an appropriately tough but measured tone, while Gore campaign chairman William Daley, in a subsequent appearance, was considerably more subdued than he'd been the day before (it didn't hurt that a recount had showed Bush leading in Florida by 327 votes). As for George W. Bush, in a brief session with the press Friday afternoon, he demonstrated cool confidence, trading friendly barbs with reporters and telling them, "I'm in the process of planning, in a responsible way, a potential administration."

The good feeling among leading Republicans will persist as long as there are no major stumbles en route to Bush's being certified as the next president. But the slow reaction to the Gore offensive is a reminder, say GOP leaders, of the risks associated with the insular nature of the Bush inner circle.

One of the complaints about the Bush campaign was that other than Baker, few seasoned politicos were summoned during last week's crisis. This left matters in the hands of Bush aides skilled at running a campaign but judged unprepared to counter the Democratic jihad. Republicans said it should not have taken the Bush team approximately 30 hours to respond to Democratic charges about the Palm Beach County "butterfly" ballot. The slow response allowed a one-sided cacophony to develop in the press and left the public thinking the Gore campaign's charges must have merit. At a Thursday press conference, Bush strategist Karl Rove did display a butterfly ballot used in Cook County, Illinois, home of Gore campaign chairman Daley, but there was surprise in GOP circles that it had taken so long to produce it (Rove received the ballot from a company called ESS that prints ballots).

Bush aides wanted to stay above the fray, saying they didn't need to answer every charge made by the Gore campaign. That was a principled position, Republicans said, but naive given the stakes and the extreme tactics Gore and aides like Bob Shrum have resorted to to win elections.

By Thursday afternoon the campaign had abandoned its laid-back posture. Bush aides gained a fuller appreciation of what they were up against when they learned that the Gore campaign, in a conference call that day, had urged union leaders to

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send 40 labor lawyers to Florida to help contest the election. Bush aides also learned that Peter Knight, a long-time Gore confidant and money man, was boasting of having received $4 million in commitments to fund a recount effort in Florida. That was followed by Daley's strident press conference. "If the will of the people is to prevail," he said, "Al Gore should be awarded a victory in Florida and be our next president." (The comment drew strong criticism from editorial writers at the *Washington Post* and *New York Times*.)

Rove, campaign chairman Don Evans, and spokeswoman Karen Hughes signaled their shift at a press briefing of their own on Thursday afternoon. Rove reeled off voting statistics from Palm Beach County designed to counter the Democratic charges related to surprisingly high levels of support for Pat Buchanan, and Evans spelled out what he believed to be the Gore campaign's objective. "Our democratic process calls for a vote on Election Day," he said. "It does not call for us to continue voting until someone likes the outcome."

One reason it took the Bush campaign so long to go on the offensive was that it had never expected to be in a tight race with Gore. Rove had been predicting a relatively comfortable victory with 320 Electoral College votes, and the campaign had stopped its daily tracking polls on the Thursday before the election. Thus, it had failed to catch the three-to-five-point erosion in Bush's numbers over the weekend (according to exit polls, 54 percent of voters who decided in the final three days of the campaign went for Gore, and just 39 percent for Bush). While the Gore campaign never switched out of campaign mode, but sprang into action challenging the vote count in Florida, the Bush campaign started planning for the transition to power. The day after the election, Dick Cheney's appointment as the transition head was announced, and national political reporters started receiving calls about who would be named to top posts in the Bush administration.

Thursday, chastened by criticism from the Gore campaign, the Bushies were denying responsibility for any such calls and turning down the volume on transition talk. But the campaign was still trying to create a sense of inevitability. Friday morning came the announcement that the Florida recount showed Bush leading by more than 300 votes, and Hughes released a statement saying Bush's "victory" had been "confirmed." "We hope Vice President Gore and his campaign will reconsider their threats of lawsuits or still more recounts," she added, "which could undermine the constitutional process of selecting a president and has no foreseeable end."

Hughes's statement reflected the Bush team's strategy. It was questioning the legitimacy of Gore's tactics in hopes of creating a groundswell of opposition to his refusal to concede. It also threatened not so subtly to demand a recount in states Gore narrowly won, and quietly proceeded with its transition plans. The campaign also assembled a network of lawyers, operating in all of Florida's 67 counties, to guarantee the integrity of the ballot counts and, more generally, to challenge every procedural move by Democratic lawyers that could impact the count. Baker, the former secretary of state, was nominally leading this effort, but the chief tactician was Ben Ginsberg, a long-time Republican election lawyer whose experience includes overseeing a modified recount of votes in the 1988 Florida Senate race in which Connie Mack narrowly prevailed.

With respect to the transition, Bush aides moved more quietly, but there was little evidence the pace had slowed. The effort is being run out of Austin, with much activity centered around the Four Seasons Hotel where Cheney has taken up residence. On Thursday Bush met in the governor's mansion with Andrew Card and Condi Rice, who are widely expected to be named White House chief of staff and national security adviser respectively. Bush also met on Friday afternoon with Larry Lindsey, his chief economics adviser, who is a serious candidate for Treasury secretary (others being mentioned are Jack Hennessy, a Wall Street financier, and Bill Archer, the Texas congressman who's chaired the House tax-writing committee for the past six years). John Kasich, an Ohio congressman, was also seen around the Four Seasons last week, heightening speculation he's angling to become director of the Office of Management and Budget. Among the names being talked up for attorney general are Oklahoma governor Frank Keating, Virginia governor Jim Gilmore, and former Missouri senator John Danforth. And an early favorite to chair the National Economic Council is Robert Grady, a San Francisco investment banker with the Carlyle Group who served as a senior budget official in the Bush White House (Grady could also be tapped for the top slot at the Environmental Protection Agency). Spence Abraham, the Michigan senator defeated in his reelection bid, is under consideration for a position in Bush's cabinet, owing in part to his popularity with Senate Democrats and his status as an Arab American.

But Bush aides recognize that before any jobs can be parceled out, Gore needs to concede he's lost Florida and thus the election. The earliest that's likely to happen is Friday, once the absentee ballots are counted (they were going 2-1 for Bush at the end of last week). Given the anomalies surrounding this election, some journalists were mischievously holding out hope for the following scenario: Florida is called for Gore, while the states where the Bush campaign has suggested it might want a recount—New Mexico, Iowa, and Wisconsin—are awarded to Bush. That leaves the Electoral College in a 269-269 tie and makes last week's high-stakes drama look like pattycake. ♦

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How the House Was Won

It's the overlooked story of the election: no Speaker Gephardt. BY FRED BARNES

THE MOMENT that House Republicans feared came and went on October 3. That was the day of the first presidential debate between Al Gore and George W. Bush. Republicans were apoplectic over the prospect that Gore would make them part of the national campaign. "Governor Bush," Gore might have said, "Republicans on Capitol Hill are blocking a prescription drug benefit for all senior citizens. You can influence them. It's imperative that you personally call on them to stop blocking this legislation, so seniors will be able to get the drugs they need." And so on. Who knows what would have happened? Bush might have buckled and done what Gore asked. But Gore didn't ask, and the moment of anxiety passed.

The result was a stunning election performance by House Republicans on November 7 that's either been overlooked or misreported by the media. The most basic thing that happened was Republicans kept control of the House, 223-212. At worst, they will lose a single seat, not two as reported. That second seat belongs to Rep. Matthew Martinez of California, who was actually a Democrat until he lost in the primary last spring to Hilda Solis. Angry, he switched parties for the remaining months of his term. But the seat remained essentially a Democratic one: In the general election, there was no Republican candidate.

But a single seat more or less isn't what's significant. The important thing is Republicans turned back the most focused, lavishly financed, labor-backed, and ruthlessly efficient effort so far by Democrats to recapture the House. Minority leader Richard Gephardt persuaded senior Democrats to put off retirement to make sure their seats didn't flip. President Clinton recruited candidates. The AFL-CIO, plus individual unions, made winning the House the top political priority for 2000. And Democrats convinced the business community to hedge its bet on Republicans and pour political action committee money into Democratic campaigns.

Denny Hastert

Up until Election Day, Gephardt and other Democrats were convinced victory was at hand. After all, the conventional wisdom earlier in the year had been that Republicans would be in dire straits if they didn't enact a prescription drug benefit under Medicare, pass a patients' bill of rights, and complete the 2001 budget on time. They failed on all three counts. Yet they won all six of the competitive open Democratic seats, and only four GOP incumbents lost. One was Jay Dickey of Arkansas, who represented the most Democratic district in the country held by a Republican. The other three were from California, where Bush was swamped and Republicans have been steadily losing ground.

There were no Bush coattails, but the presidential race helped House GOP candidates nonetheless. It "sucked so much oxygen" out of the political environment that House contests never became nationally visible, says Jim Wilkinson of the House GOP campaign committee. "We were happy to be under the radar screen." This aided Rep. George Nethercutt in Washington, who had noisily pledged to serve only three House terms but was running for his fourth. Absent a presidential race, he'd have drawn enormous national media attention for breaking his word. That, in turn, would have generated support for his Democratic opponent. Out of the spotlight, however, Nethercutt won 58-40 percent.

National issues like a patients' bill of rights didn't dominate House races either. On prescription drugs, Republicans were able to inoculate themselves merely by insisting they were for some kind of benefit. In the end, they also got help from the pharmaceutical companies. The industry "finally stopped playing footsie with the White House" in search of a compromise, says a Republican official. They then pumped millions into GOP campaigns. And Gore not only didn't challenge Bush to lean on House Republicans, he made Social Security, not a Medicare drug benefit, his chief issue in the final week of the campaign.

There was still another way the presidential contest aided House Republicans. Gephardt was desperate for a government shutdown to embarrass Republicans. According to *Roll Call*, he asked Clinton to veto a continuing resolution, close the government down for a day, and blame Republicans. The president declined, afraid this would play into Bush's

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Illustration by Earl Keleny

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hands, allowing him to cite the shutdown as a compelling reason for new leadership in Washington. House Republicans, wary of leaving town without completing the budget, ultimately figured they'd be better off adjourning than yielding too much in new spending to Clinton, as they'd done in 1998. They figured right. Now, they'll finish the budget in a lame duck session, with Clinton's clout reduced.

House speaker Denny Hastert was an enormous boon to Republicans simply by keeping out of harm's way. "There was no polarizing figure like Newt Gingrich," says a GOP official. True, Democrats tried to tar various Republicans as clones of Gingrich. But with Gingrich gone, that tactic didn't work. Hastert's choice of Tom Davis of Virginia as head of the campaign committee proved a wise one. Davis decided to intervene early on in a half-dozen races, with good results. Even before Republicans had picked a nominee in an Orlando, Florida, seat, the Davis committee aired TV ads attacking popular Democrat Linda Chapin, notably one zinging her for authorizing, as a county commissioner, public money to buy an $18,500 bronze frog and provide cable TV for prisoners. She lost, as did Democrat Jim Humphreys in Charleston, West Virginia. He spent $6 million of his own money, but that didn't offset the negative TV spots on his tax troubles aired by the GOP committee.

A final surprise emerged on Election Day. After last year's massacre at Columbine High School in Colorado, the National Rifle Association was supposed to have become a pariah in American politics. It hasn't. Rather, it helped defeat Democratic incumbent David Minge in Minnesota and win the open Democratic seat in Lansing, Michigan, for Republican Mike Rogers. NRA lobbyist Chuck Cunningham calculates the pro-gun lobby is gaining at least 5 votes in the House. Now, the House "will serve as our backstop for potential anti-gun actions in the Senate possibly driven by a President Al Gore." Who would have guessed it? ♦

Al Gore's Florida War Room

Shut it down now. Please.

BY RICHARD POLLOCK

FOR SIX YEARS I was the head of a Ralph Nader group, and later for a decade I served on the board of the liberal League of Conservation Voters. As a producer at ABC and Fox News, I saw old-fashioned political consultants transformed into hardened kamikaze pundits, escalating their rhetoric and political tactics. You could say I have had a front row seat to observe the left in action.

Now, however, they are about to outdo themselves. America's liberals, led by Vice President Al Gore and his aides, are consciously preparing to undermine the legality and legitimacy of the next president of the United States. They should stop while they still can.

The game under way in Florida may seem like clever backroom politics. But it is playing out on a far larger stage than the closeted world of inside Washington, where their scorched-earth tactics were perfected. When the Democratic party pours an army of lawyers and unbridled activists into Florida, the Gore campaign and its allies may imagine they are merely extending the hard-fisted "continuous campaign" of the Clinton years. Call it War Room Florida. But while threats, court actions, and street rallies have delivered partisan victories in the past, in the context of a close presidential election, they could trigger the most severe constitutional crisis in our country's history, one that would cripple our country for decades.

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I'm sure some Gore campaign aides consider their challenges to the legality of the election in Florida a smart tactic—simply another way to weaken George W. Bush if he wins the White House. They don't seem to understand—or are indifferent to the notion—that attacks on the legitimacy of our elections are not precision-guided munitions, capable of undermining a specific administration without collateral damage. The damage in this case would be done not just to a Bush administration but to our political heritage of unquestioned acceptance when power is transferred from one party to the other.

Think of the consequences if this campaign continued for weeks or months. Political instability in Washington certainly will trigger chaos in our financial markets that could cause lasting trouble to the national economy. When Gore campaign manager William Daley said the Florida vote was "an injustice unparalleled in our history," you could watch the stock market ticker turn red on the television screen. The markets will fall even farther if the delegitimization campaign continues. Foreign investment, which has helped power year after year of American prosperity, will slow as uncertainty builds. Confidence in the dollar could also collapse, wreaking havoc in markets around the world.

In foreign policy, allied governments will treat the United States with less respect if the legitimacy of our elections begins to be questioned. What might happen in the Middle East if the Palestinians and

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Arab governments should decide our government is illegitimate? Might China decide to provoke a crisis with Taiwan, thinking Washington is distracted? Is it possible other adversaries might try to "test" the White House? OPEC might decide the time is ripe for a supply shock that would send oil prices soaring. Terrorists might be emboldened. There could be attacks against American citizens living abroad or on U.S. soil.

All of this may sound alarming. It should. The liberal gambit in Florida could end up causing global instability, chaos, and lasting suffering. By seeming completely oblivious to this possibility, the Gore campaign has demonstrated a lack of seriousness unbecoming to a group that may be just days away from winning the White House.

America's liberals have always claimed to be the champions of good government and "civil society." They have been in the forefront of those who say that civil discourse and respect for opposing viewpoints are the bedrock of democracy. Don't they understand the effect of their recent rhetoric, in which they claim to be the unique repository of the "will of the people"? This is almost a declaration of war against the half of the country that didn't vote for their man. Talk about a coarsening of public life.

Liberals should remember that when President Clinton faced national ridicule in his first months in the White House, it was a Republican presidential adviser, David Gergen, who came to his rescue. When asked why he had done so, he said that President Clinton was his president too. He said the nation couldn't afford to see any president fail.

The era that was capable of producing such graciousness in our national discourse may be coming to a close. The knives are out. My liberal friends say a Bush presidency must be stopped at all costs. I hope they are just saying this in the heat of the moment, without considering the violence to our national fabric that such words seem to countenance.

What must be done? Both presidential candidates should pledge to accept the official vote certifications, in Florida and across the country, and condemn those who would litigate our presidential elections. Vice President Gore should forcefully instruct his surrogates and allies to end their attacks on his opponent, stay out of the streets, and accept the certified results of the election. A commitment to civility must come from the top of the ticket.

The morning after the presidential vote, a weary NBC anchor Tom Brokaw advised everyone to take a deep breath. Then he called for "wise men" to prevail in this uncertain time. Are there any wise men left? Let's hope so. The Democratic party badly needs to take a deep breath and heed their counsel. ♦

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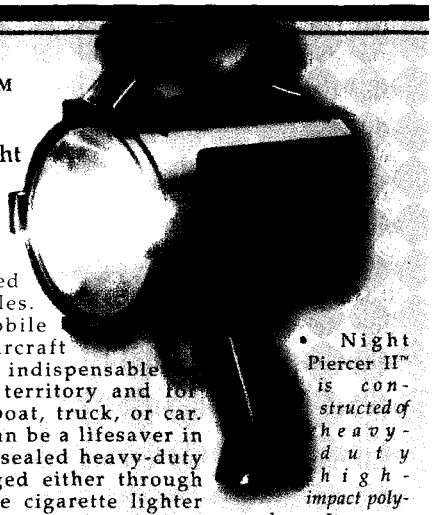

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Deliver Us from Palm Beach

When mass hysteria collides with the Constitution, the results are not pretty.

By Matt Labash

West Palm Beach, Florida

Pushing up I-95 from Miami to West Palm Beach, along the Gold Coast of the state on which hinges the nation's presidential destiny, one puzzles over the citizenry's mental state. To survey the A.M. call-in shows is to be treated to hot blasts of dark plots and cockeyed logic.

Callers are irate that George W. Bush "stole" the election. According to them, evidence of his character deficiencies and chicanery abounds. One caller soberly speculates that Bush will bring a 12-pack of Heineken to his Inaugural Ball (Gore, by contrast, can "hold his liquor"). Another charges it was incumbent upon the police in Palm Beach, where many voters seemed confused by the now infamous "butterfly ballot," to escort elderly voters into the booths to help them execute their vote. Legions of callers suggest the election was fixed by Bush's brother and their governor, Jeb. After all, says one, Jeb owed his brother—for not ratting him out when he was caught in the top rack of their bunkbed with a black girl. If the election is allowed to stand, many promise, there will be consequences. "My people will not accept [an Electoral College victory]," says one Hispanic caller, "We will revolt and go to the mountains."

As I wheel into West Palm Beach—which Republican wags simply call "Pat Buchanan country"—I have no way of knowing the radio callers' comments will be among the more measured I'll hear all day. Outside the pastel, palm-accented Governmental Services Building, which houses the Supervisor of Elections' office, ground zero in the post-election war, pro-Gore protesters clog the streets in anticipation of a noon rally featuring Jesse Jackson. The reverend has come to town to agitate against minority voter suppression and confusing ballots (many Gore supporters who failed to follow the ballot instructions say they incorrectly registered their votes by punching Pat Buchanan's hole). Jackson's son, just reelected to Congress, saw a similar ballot used in his Illinois district. But the reverend so hastily beat a path to Florida that he forgot to bring something important with him: evidence of any kind of voter fraud.

Killing time before the rally, a bearded cab driver stands on a corner screaming "Re-Vote!" at commuters. When asked what was wrong with the elections process, he claims it was "intimidating" because a sign at his polling station indicated voters had five minutes to complete their ballots. It's not exactly flaming-tire necklaces in Haiti, but with such a tight election, it's a good enough reason for a Palm Beach County voter to scream himself hoarse. On a nearby curb, Jan Price, a 64-year-old pro-Bush interior decorator wearing a Stars and Stripes scarf, jockeys for space with a flamboyant Gore supporter in a *Rent* T-shirt. "Go ahead, hit me! Hit me!" he chides. When I ask the gentleman why he's baiting the grandmotherly Price, he turns into a playground tattletale, telling me and a nearby cop that she tried to strike him with her sign. I ask whether she connected. "No!" he exclaims. "I said she tried. T-R-I-E-D! You, sir, are stupid!"

The crowd grows restless waiting for Jackson's arrival. And as one doesn't usually see scores of black people on this side of town, every time a minority ministerial type arrives on the scene, confused white people surge around him in a scrum. The convocation starts to feel like an Altamont in the making, though nobody is worried about catching baton shots in the skull as the place is too packed for most of us to lift our arms. On a flagpole platform, several black ministers, along with yarmulke-sporting rabbis, ascend to call the day to order. "The whole world is watching," intones the Rev. Griffin Davis. Perhaps so, but only the first three rows are listening, as nobody can hear the speakers through their low-wattage bullhorns.

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AP/Wide World Photos

Jesse Jackson plumbs the mysteries of the butterfly ballot.

Jackson has yet to get here, so the crowd entertain themselves with botched call-and-responses, their signs bearing messages like "Keep Out Da Bushes" and "Bush-it." Meanwhile, L.E. Buie, the 87-year-old "Rosa Parks of Palm Beach," is introduced. None of the black voters I'm standing with can hear a word she says, nor can they tell me the nature of her civil rights distinction (refusing to give up her seat at the nearby sushi bar?). After Buie concludes, Jackson arrives in the courtyard behind the building, which has actual microphones. Sister Buie gingerly steps off the platform without breaking any of her brittle vitals. I dutifully body block for her as our tight herd of 2,000 or so tromps over flower-bed monkey-grass to flood the courtyard where alarmed secretaries from the Hunting and Fishing Licenses Office quickly conclude their tossed-salad lunches.

Safety-conscious state representative Lois Frankel implores us, "Take one step back and hold your breath." (If these protests go on much longer, Altoids may want to consider a corporate sponsorship.) Jackson takes the podium with all manner of local heat-seeking public officials fanning out behind him. There's Irv Slosberg, the just-elected Democratic state representative who campaigned by passing out corned beef sandwiches to voters. And arriving late is Boca Raton's Democratic congressman, Robert Wexler, whom impeachment enthusiasts remember as his party's most shamelessly omnipresent publicity barnacle. Wexler hasn't lost a step, as he literally elbows his way past other officials to stand next to Jackson.

Jackson dazzles the crowd with boilerplate couplets ("Don't get bitter, get better," "It's not about black and white, it's about wrong and right") while liberally overreaching, comparing this year's contested presidential vote count to yesteryear's civil rights struggles (never mind that Palm Beach County has only a 4 percent black electorate, and if elderly Jewish voters were done wrong—and nothing suggests they were—it happened in a county where two-thirds of the election officials are Democrats). On balance, it's a lackluster performance for Jackson, though he does manage the impossible by keeping Wexler away from an open microphone.

As the rally concludes, journalists take shelter inside. There, they stay glued to CNN, make passes at the heavily guarded elections office where none of the employees has any comment, and make fawning overtures to presshound Jimmy Breslin, who looks as if he just emerged from an ashtray, and who pays them no mind as he tries to make sense of Florida's election law minutiae. Outside, overheated factions line the sidewalks. On one side, emboldened Bush supporters hold up eye charts and make fun of Gore supporters' ballot illiteracy. On the other, Gore supporters, confident their man will emerge victorious after next week's scheduled recounts, chant "Nah, nah, good-bye," as if they were tormenting their homecoming rivals.

I conduct an unscientific survey of Gore protesters, approaching the 10 most vociferously obnoxious (with so many present, it's tough to whittle down the sample). Not a single one is certain of actually having mistakenly voted for Buchanan. In fact, four-fifths of them admit they're certain they didn't, though as one gentleman says, "I almost did—that's bad enough." Crowd psychology doesn't permit consideration of nuances, and most in this throng seem lost to the fact that the ballot confusion wasn't generated by Republican shenanigans. The butterfly ballot that has caused all the trouble was designed by Theresa LePore, who is the Democratic supervisor of elections and who, on October 10, sent copies of the ballot to the Palm Beach Democratic and Republican parties, asking them to register any objections. (Neither party did.) True, nearly 19,000 ballots were invalidated after confused voters selected

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two presidential candidates, but as Bushies are fond of pointing out, nobody knows how many of those votes would have gone to Gore, nor is that number far higher than county totals for invalidated ballots in the 1996 elections.

Mass hysteria, however, does not breed careful reflection—just more rallies. Though Jackson was scheduled to depart after the first rally, there are too many cameras in Palm Beach for him to actually board a plane. At a black church in Riviera Beach that evening, Jackson takes the pulpit with a visibly uncomfortable Robert Wexler by his side. It is unclear if Wexler is involuntarily twitching because he must stay silent in close proximity to Jackson's microphone, or because he's one of the few white people present (next to reporters and two rows of elderly Jews, bused in by Irv Slosberg, who promised them corned beef sandwiches).

AP/Wide World Photos

The disenfranchised of West Palm Beach

As Jackson speaks, he is the very embodiment of moderation. He advocates cool-headed vote recounts, while only obliquely referring to Bush's DUI arrest and racial hate crimes in Texas. Outside the church after the rally, he assumes his favorite position—at the center of a gaggle of cameras. A desperate Wexler squeezes up beside him, declining several print reporters' questions as he sidles into the white lights' glare. Wexler is impatiently holding a card containing his phone number which he wishes to give to Jackson, and he grows visibly irritated when a black voter asks if he can hand Jackson her number as well. "I don't want him to get the numbers confused," Wexler says.

Back at the Governmental Services Building, one skirmish begets another. Phil Vance, a record executive and unabashed Republican who is holding a pack of Marlboros and a Gatorade bottle, keeps waiting for the break in Gore supporters' "Re-Vote!" chant so as to interject "George Bush." As he and the Gore supporters try to outshout each other in a bizarre leg-chugging civil disobedience oom-pah, I compliment him on his musicality. He comes by it naturally, he says, since his father, Paul Vance, wrote the song "Itsy Bitsy Teeny Weeny Yellow Polka Dot Bikini." But Vance doesn't have time to cover the rest of his father's hit parade. Sign-bearing Gore supporters have angrily surrounded him, with one gentlelady telling him to "F— off!"

A few yards away, I encounter the angry face of the Palm Beach voter. It is not a pretty sight. Sandra Tannenbaum, who sports two pairs of glasses (one resting atop her head, the other perched on her nose), sticks her mug three inches from mine and in a sing-songy drone, repeatedly chants, "EWWWW! I smell an odor in here. It smells like Watergate here!" An accountant who claims to be *poetry.com*'s "millennial poet" for her award-winning composition entitled "Ice Cream Cake," Tannenbaum abandons me to take up arms against Vance over health care concerns. Both of them advocate their candidates' health care positions, as they try to outdo each other in the victimhood department.

Vance says he has hepatitis C, is on Interferon, and is enduring his first month of chemotherapy. "My white cell counts are like zero," he says, "I'm lucky I'm even walking." Tannenbaum complains that as a result of an auto accident, she has more "legbone in my neck than neckbone." She also suffers from Epstein-Barr syndrome, has had her whole "musculoskeletal system compromised," and must drag herself out of bed just so she can "feed my children and come down here."

As one watches this dance of the low-sloping foreheads, it is impossible not to consider the criticism of our Founding Fathers, pilloried lately for constructing the Electoral College. Perhaps the criticism is justified. Maybe they were nothing but stone-hearted elitists in search of a device to steer the nation clear of majoritarianism, condescendingly skeptical as they were of a dim-watt, venal electorate. But spend a day with the voters of West Palm Beach, and you'll be left with a different, unpleasant suspicion: Just maybe our Founders were onto something. ♦

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How Not to Predict an Election

The statistical models were the worst prognosticators of all.

By John J. DiIulio Jr.

Long ago, Aristotle taught that it is the "mark of the educated person to seek precision in each class of things just so far as the nature of the subject admits." In our day, some ill-educated but statistics-enamored political scientists have sought to achieve a precision in election forecasting beyond what the nature of politics allows. Inevitably, their elaborate models fail. None, for example, foresaw the High Noon outcome of the current presidential election; all had good-economy Gore winning by comfortable margins in the popular vote and the Electoral College.

By contrast, traditional political scientists know plenty about what decides American national elections, and their bedrock findings illuminate the 2000 election.

1. *It's never* ONLY *the economy, stupid.* In 1980 and 1992, economic woes turned many people against the incumbent party. But even in hard times, other issues—peace and crime, to name just two—have moved the electorate. Besides, it's not clear whose pocketbook determines how a person will vote. Many people who are doing well financially will vote against the party in power if the country as a whole is not doing well. And well-off voters may think the government has had little to do with putting bread on their tables or money in their mutual funds.

Moreover, voters have always been more inclined to punish incumbents for bad times than to reward them for good times. After eight years of good times, the national economy was indeed a plus for Gore. But the typical voter never behaves as a pure *homo economicus*, and in 2000 single-minded pocketbook voters were a distinct minority.

2. *Voters are* NOT *stupid, stupid.* The late great political scientist V.O. Key looked at 1950s voters who switched from one party to another between elections and found that most of them switched in a direction consistent with their own interests and values. Dozens of post-1980 "rational electorate" studies find that while voters may have hazy, even erroneous, views about monetary policy, Kosovo, and the trade deficit, they are nonetheless likely to have a very good idea about whether prices at the supermarket are stable or crime is a serious problem in their neighborhood. On abortion and other hot-button issues, electoral minorities have strong opinions that determine how they vote. But most voters, not just single-issue voters, know which candidate or party shares their fundamental political beliefs. Exit polls and voter surveys confirm that in 2000, people were not manipulated by soundbites and false promises but had ample information about who stood where and who believed what. They voted accordingly.

3. *To the "valence" victor goes the White House.* A "position issue" is one on which the voters are divided and the rival candidates or parties also have opposing views. During the Civil War, the great position issue was slavery. In the 1890s, it was tariffs and whether the dollar should be made cheaper. In the 1960s, it was whether new civil rights laws were needed.

By comparison, today's position issues are a tame lot. In campaign 2000, Bush wanted to let people put some of their Social Security money into private savings accounts; Gore opposed doing so. But neither Bush nor Gore challenged the national government's "duty" to "save Social Security." In fact, on just two sets of position issues did the electorate consistently split by 10 points or more between Bush and Gore, namely, maintaining military preparedness and increasing military spending (advantage Bush) and making Medicare solvent and radically expanding prescription-drug benefits (advantage Gore).

Besides, in presidential elections, the issues that make the biggest difference are increasingly ones on which nearly everybody agrees. Nobody favors irresolute leadership, unpatriotic beliefs, wasted tax dollars, a weak national defense, political corruption, or personal dishonesty. We don't have one party advocating prosperity and the other

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recession. Parties or candidates, however, may be very differently linked in the public's mind with the universally approved condition of good times and the universally disapproved condition of bad times. Political scientists call these matters "valence" issues. What voters look for on valence issues is which candidate seems most closely associated with universally shared views, positive symbols, and desirable conditions. Electoral victory may turn on the contenders' success at shaping these public perceptions.

Presidential campaigns always involve both position issues and valence issues, but valence issues have risen in relative importance as the party alignments rooted in the powerful position issues of the past have weakened and as modern image-making technologies such as television have proliferated. For example, in 1968 Richard Nixon seemed to be more anti-crime than his rival; in 1976 Jimmy Carter seemed to corner the market on honesty; in 1984 Ronald Reagan symbolized both good economic times and "morning in America"; in 1988 George Bush seemed more patriotic than his challenger; and in 1996 Bill Clinton bashed Bob Dole as an extremist who would abolish Medicare. In 2000, both candidates had "valence" appeal. Gore got partial credit for the good economy, but Bush struck voters as more honest, more likable, and more likely to be a strong leader.

Campaigns are a chance for voters to judge character. One South Philly friend said, "I don't care if he can name the dictators as long as I believe that he'll squash them if they bother us."

4. *Campaigns aren't just sound and fury signifying nothing.* The model-builders think campaigns count for little, but traditional political science is replete with evidence that they can greatly influence who wins and by how much. Well-run campaigns reawaken partisan loyalties. This is important because, even with the rise of independent voters and ticket-splitting, most people still vote their party for president. Campaigns give voters a chance to watch how the candidates handle pressure and how they apply it. Campaigns also allow voters an opportunity to judge the character and core values of the candidates.

The voters' desire to discern the candidates' character, combined with the mechanics of modern campaigning—brief radio and television ads and computer-targeted direct mail—invites an emphasis on themes at the expense of details. George W. ran a more thematic campaign than his father did against Clinton in 1992, one that showcased his character without damning Gore's.

As most voter surveys suggest, on Election Day, a solid majority agreed that Clinton and Gore had done a good job; but most voters had long since decided that Clinton was not a good man, and, thanks to a campaign season that began with Bill Bradley calling Gore a liar, they had come to doubt Gore's integrity, too. His exaggerations and half-truths tickled late-night comedians and ultimately troubled swing voters even in a few traditionally Democratic states.

Early on, the Gore campaign gorged itself on detailed policy and position papers that neither the media nor the voters wanted to study. For nearly a year, Gore bounced between being a liberal activist and a New Democrat. He had to bounce, because he was convincing in neither role. The commanding lead he built up after the Democratic convention was based mainly on centrist appeals, the choice of Joseph Lieberman as his running mate, and Reagan Democrats who began to flock home.

But, for reasons that have yet to be aired in public, over a month before the election, the Gore campaign ditched its centrist tactics and launched a liberal vote-gathering operation. If this was intended to head off Ralph Nader, it failed in several super-close states.

By contrast, Bush began and ended his campaign as a "compassionate conservative" who was strong on national defense. As one South Philly friend said, "I don't care if he can name the dictators as long as I believe that he'll squash them if they bother us." During the period of Gore's big lead, Bush and his campaign blinked but never buckled. The eleventh-hour "He was a drunk!" attack was not the deathblow some may have hoped because Bush had long since confessed a past drinking problem, and most people trusted his word on the 24-year-old incident.

5. *Elections rarely produce a clear mandate.* The only people worse at understanding national elections than the academy's quantitative quacks are the media's post-election pseudo-scholars and instant-analysts. These on-airheads agree that the razor-close 2000 results mean "no mandate" for the new president, whoever he is, and four years of federal gridlock.

But this is normal. Elections in ordinary times produce no major realignment, are fought over no single dominant issue, and provide the winners no clear mandate. America's major political parties are weak coalitions of diverse elements that reflect the many divisions in public opinion. Our constitutional system was designed to moderate the pace of change and to make it difficult to adopt radical proposals.

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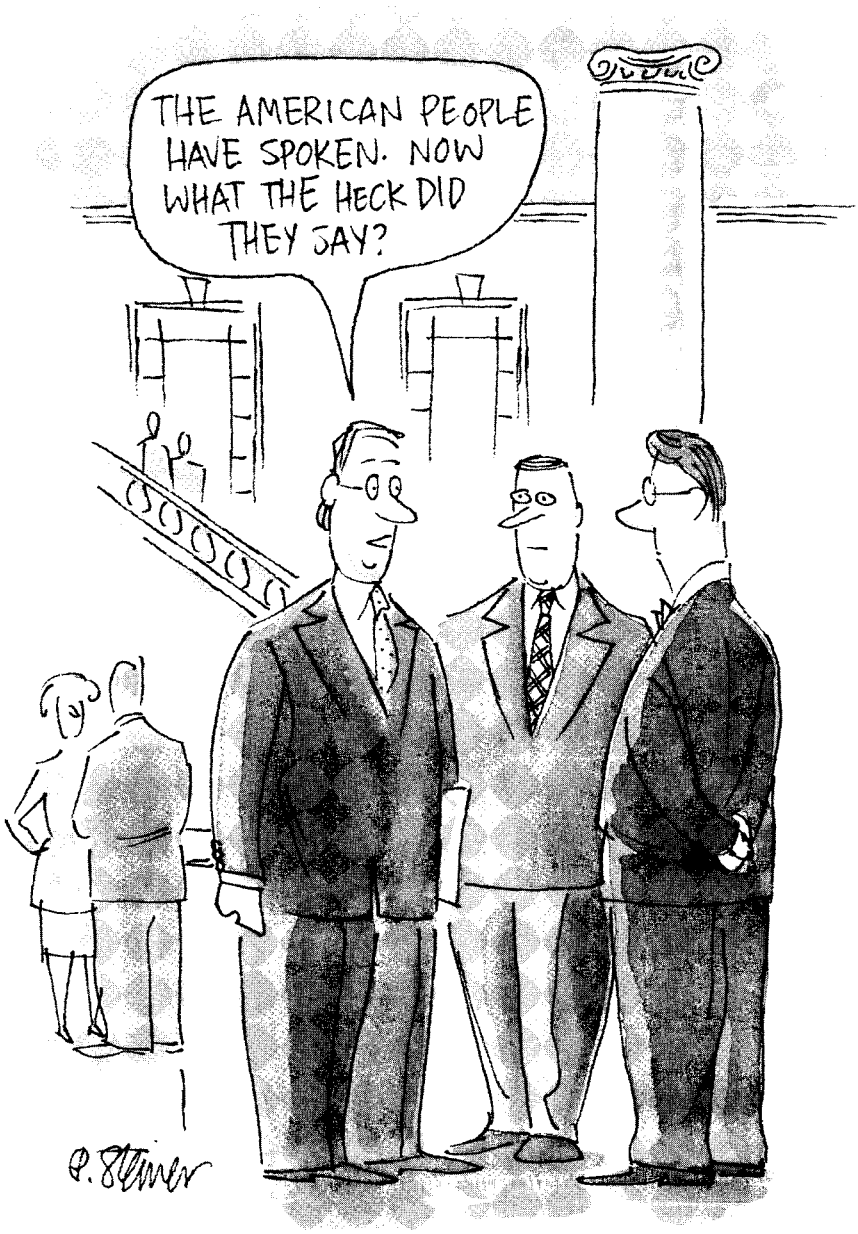

Now, notice what nonetheless happened legislatively: lots. Despite "divided government" (with different parties controlling the executive and legislative branches) and the Clinton impeachment battles, hundreds of new federal laws have been passed since 1994, including many coveted by conservatives, such as welfare reform and prison litigation reform. The budgetary process has not been pretty, but it never is. Legislative-executive relations have been rocky, but no more than usual.

On some complex, controversial, and costly measures like Medicare reform, action has been slow to no-go. But no action or slow action on big, divisive issues is what we are supposed to have, given the deliberate dispersal of power in our system. The ABCs of our national policymaking process are alliance-building, bargaining, and compromise. We don't get, and good citizens should not want, decisive national action before we have a consensus backed by a persistent popular majority. That's how our government is supposed to work, and that's how it generally has worked, whether the president's electoral victory was tremendous or tiny.

Tremendous helps, but as Harvard's Richard Neustadt has observed, in our "system of separated institutions sharing powers," presidential power is ultimately only "the power to persuade." The Constitution makes even the most popular president not a "king" but a "clerk." Even a landslide winner who waltzes into the White House with a same-party majority in Congress has only a license to lead. The public and the press can revoke that license in a D.C. second (ask Lyndon Baines Johnson).

Politically, if not technologically or economically, we live in ordinary times. The Republicans who gained control of the House in 1994 misinterpreted their victory as a mandate for radically downsizing and devolving the national government's domestic policy apparatus. But in fact, if just 19,500 votes in 13 districts had switched from Republicans to Democrats, the Democrats would have retained control of the House. Newt Gingrich and company read a political realignment into the fine print of their Contract With America and acted as if Washington were Westminster. Traditional political scientists watched and waited for the mistake to catch up with Gingrich, and it didn't take long.

The electorate in 2000 is closely divided, but that ought not obscure a broad consensus in the country about three things: sustaining free enterprise-driven economic growth; pumping (not slamming on) the brakes on federal domestic and regulatory programs; and keeping the peace through strength. Whether the next president, whoever he is, can persuade the public and the Congress to adopt his views on how to promote peace and prosperity and manage our domestic affairs will depend not on any mandate proffered at the polls but on his skill as a leader. ♦

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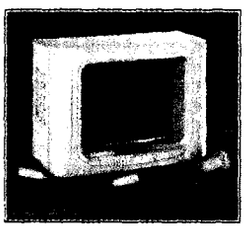

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Radio Time Capsule

America—September 21, 1939

By David Gelernter

FDR speaking on the radio in 1939. All pictures: Hulton Getty.

One fine autumn day sixty-one years ago, a CBS radio station in Washington, D.C., recorded its complete broadcast cycle, from "Sundial with Arthur Godfrey" at 6:29 and a half ("Good morning! This is station WJSV, owned and operated by the Columbia Broadcasting System") through Bob Chester's Orchestra at half-past twelve the next morning ("the music of America's newest band sensation, coming to you from that old jive hive, the Famous Door in New York City").

The idea was to leave a calling card for future generations, as Westinghouse had done earlier in the year when it buried the famous "time capsule" at the 1939 New York World's Fair. The CBS recordings have now been transferred to tape, and they are available on cassette tapes: eighteen hours worth. They make you feel as if you are listening through a keyhole to a different world on the far side of a shut door—a world with the paradoxical dream quality of being familiar and strange at the same time.

The day was September 21, 1939, three weeks after Germany invaded Poland and kicked off the Second World War. "Warsaw still holds out against Germany," a news broadcast announced on the evening of the twenty-first. "Every night we report that, it comes a little nearer looking like a miracle." (But the miracle was almost over; Warsaw surrendered on September 28.) Earlier in the day, we hear WJSV cut to the capitol for a crucial presidential speech: Franklin Roosevelt had called Congress into special session so he could urge it to repeal the embargo provisions of the Neutrality Law, which forbade American weapon sales to the allies. When Roosevelt is done, we join another presidential speech midway through: Prime Minister Daladier of France begging his countrymen to stand firm at their battle stations and not be swayed by relentless Nazi propaganda. According to the evening news, FDR "failed to move isolationist senators"—but in early November, repeal would pass both houses by large margins, and the United States would be a step closer to joining the war that bent history out of shape forever.

America Before T.V.
A Day in Radio, September 21, 1939
edited by Paul Brennecke
Greattapes, 12 cassettes, $39.95

In short, it was an eventful day in one of history's crucial months. But on the whole these recordings are an average armful of leaves from a long-ago fall, tattered brown ones and beautiful scarlet ones and many run-of-the-mill ones. America's interests in 1939 were basically the same as they are in 2000. The day's radio shows are a mixture of silly soap operas (*Life Can Be Beautiful*) and an American League baseball game (Cleveland versus Washington), pop music, game shows, comedy, news broadcasts, news analysis, and the odd documentary, all washed down by one round of commercials after another: Palmolive, Bulova watches, Wrigley's

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chewing gum; Post Toasties, Plymouth automobiles, Zlotnick the Furrier. The schedule is strikingly like what you find on network television today.

Many attitudes are the same too. Americans of 1939 were as helplessly enthralled as we by the astounding idea that women can have jobs, just like men. The 1939 soaps are all about working women, from chorus girls *Myrt and Marge* to social worker *Bess Johnson* to physician *Susan Chandler* to *The Career of Alice Blair*, who is busy "fighting for fame" on the "ladder to success." Even newly crowned Mrs. America works: She is an elevator operator like her husband. She wants to be a model. So what else is new? (The main difference between 1939 and ourselves on "women's issues" is that 1939 lacks our ugly contempt for housewives.)

The language on these tapes can be eerily familiar. In his afternoon speech, Roosevelt (a self-described "worker in the field of international peace") praises the "rich diversity of resources and peoples" in the western hemisphere, "functioning together in mutual respect." As usual, "diversity" is what you praise when praise is called for and nothing comes to mind. A virtue of last resort.

Of course, at the same time, you would never mistake September 21, 1939, for any day in recent memory. The loudest applause on an evening quiz show goes to a young Navy man; "Step right up, sailor," says the emcee, "what's your rate?"—as though the Navy were a comfortable, familiar part of the American scene. *The Wizard of Oz* was a hit, and songs from Arlen and Harburg's sappy score crop up in several of the day's programs. The big-band music that dominated late 1930s radio was mostly bland and forgettable, but it was also wry, dry, and unpretentious. The beat was designed for dancing rather than pile-driving listeners into the mud. The lyrics tended to be about romance rather than sex.

But the important differences go deeper. Nowadays we struggle to attain perfect self-absorption, and we teach our children to be magnificently self-satisfied (or to have "self-esteem" or whatever you want to call it). All sorts of things that once seemed clear, tangible, and sharply defined have gone vague and blurry on us, as if we now need glasses but are too vain to wear them. In 1939, for instance, the future seemed vivid and real, and Americans loved to argue about it (and send it presents—for example, these recordings). Today the future is a blur. In 1939 the past seemed vivid and real; President Roosevelt's speech hinges on an analogy between the 1935 embargo laws and

America's failed trade policy during the Napoleonic Wars. Today the past is a blur. We have lost interest in history, and have largely given up teaching it to our children. We teach them "social studies" instead—blurry name, blurry topic.

After Roosevelt's speech, WJSV broadcast French Prime Minister Daladier's from Paris, followed by an informal translation. Today Europe is a blur, and no American network would *dare* broadcast nearly twenty minutes of pure unadulterated French. It's not that our national French proficiency has collapsed in the meantime; French was never our best subject. But in 1939, Americans were thought to be curious about the French president and willing to listen and to judge for themselves, even if they didn't understand the words. (They would still have caught the rhythm—the massive, majestic sentences rolling forward like surf: the fast friendship between *la France* and *l'Angleterre*, the lies of the *propagande allemande*, France's only real choice, *la liberté ou la mort*. It is something to hear.) Today the translator's voice would be superimposed on Daladier's, and his speech would be diced into small bits and served with our trademark mixture of archness and schmaltz. (Think of how we cover political conventions and Olympic games nowadays.) Perhaps the medium used to be the message; today the messengers are the message. We are spirited through life by a tight squad of experts, spinmeisters, and anchormen who protect us from ever having to see, hear, or think for ourselves. We object to opinions on principle, and teach our children not to have any. ("Don't be judgmental, son!")

In 1939 Americans also had a reasonably clear view of their own souls, and what the country was all about. Joe E. Brown (a comedian of sorts) finishes his broadcast by telling students to "work hard at your studies. That's the only way you'll ever amount to anything." Joe E. Brown (in other words) seems to believe that some people never *do* amount to anything—and yet he does not favor a class-action lawsuit on behalf of Bummo-Americans, or federal legislation. He seems to feel that if you amount to nothing, it might be your own fault. In 1939 this strange idea was widespread.

The American republics are "joint heirs of European civilization," says the president in his embargo speech. The Nazis, he says, pose a threat to American peace and security, but more important to "the progress of morality and religion." "An ordering of society which relegates religion, democracy, and good faith among nations to the background," says the president, "can find no place within it for the ideals of the Prince of Peace."

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Above: A radio disk jockey in 1939. Opposite: Popular 1930s comedian Joe E. Brown in a sailor's hat.

What did he mean? In 1939 the world was at the start of a great war whose coda stretched all the way to the fall of the Soviet empire in 1990. The twentieth century's most bestial crimes were committed by Nazi Germany, wartime Japan, and Stalinist Russia—regimes that had totalitarianism in common, but something else, too: state paganism. In 1939 Britain and France finally volunteered to stand up to Nazi Germany. Britain and France had democracy in common, yes, but something else, too: They considered themselves Christian nations. Fascist Italy was Hitler's Axis partner—yet Italy remained a Christian state and proved incapable of Nazi bestiality. What does it mean?

The answer can't be simple, but nowadays we are not even bright enough to ask the question. Religion is another topic that has gone blurry on us. Under imminent threat of extinction, the Soviets, too, fought the Nazis; Christian France had a mixed record (to say the least) at the moment of truth under Nazi occupation. But the fact remains that if you were about to be occupied by a foreign power during the Second World War, you would a hell of a lot sooner have been occupied by a Christian nation's soldiers than by a pagan nation's. And after all, "Thou shalt not murder" is a teaching not of democracy or capitalism but of Judaism and Christianity. It would be simple-minded to reduce the war to a battle about religion, but it is equally simple-minded to erase religion from the picture altogether.

Here is a deeply important, perfectly obvious statement—which, if you comb the huge historical literature about the war we've produced in recent decades, you will find almost nowhere: Among other things, World War II was a religious war, pitting the Judeo-Christian against the pagan worldview. Which is exactly what Roosevelt called it at the start. He saw things more clearly three weeks into the fighting than we do with generations of hindsight in back of us. In May 1941 (with France defeated, Japan bellicose, Russia about to be invaded), Roosevelt underlined the point in another speech: In a Nazi-dominated world, he said, children could be bundled off, "goose-stepping in search of new gods."

Is there an element of "idealization of the past" in this view of World War II as a fight by Judeo-Christian nations to beat off paganism and all paganism's brutal consequences? Of course. But we *need* and *ought* to idealize the past, and any nation that doesn't is demonstrating not its sophistication but its arrogance. We look at history with the comfortable certainty that no previous generation was ever half so morally enlightened as we. After all, we have made self-esteem our specialty; it's no wonder we are good at it.

Of course, presidents and presidential candidates still talk about religion; but what has changed since 1939 is the cultural leadership. In 1939 it shared Franklin Roosevelt's genial, impious faith—which is not surprising, since the leadership mainly consisted of miniature Roosevelts. Today it consists of intellectuals, who (now as always) tend not to understand religion and to despise it. The Establishment has changed, and there is no evidence that it is changing back. It will change again only when dissidents forget about politics and build new cultural institutions.

As entertainment, the WJSV tapes are not much. When I am in the mood for the late 1930s I prefer newspapers, magazines, and books, movies and newsreels; when you sample 1939 via audiotape, you are sipping through a pretty thin straw. Nonetheless, the crisp, clear air of prewar America is always bracing. And what the tapes do supply is a sense of humility—one item that, somehow or other, our fantastically productive economy can't seem to make enough of. ♦

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Johanna Day and Mary-Louise Parker in *Proof*, Walter Kerr Theater.

Theater of Ideas

How Broadway thinks about thinking.

BY GLENN SPEER

You don't have to be a rocket scientist to go see a Broadway play these days—but Broadway likes to pretend you do. So many plays have appeared in recent years in which science and math are a metaphor—or at least a pretext—for portraying any number of themes, that they form nearly a genre of their own.

In particular, the new production of *Proof*, by David Auburn, deals with the daughter of a mentally ill mathematician, and in doing so, treats topics of genius, mental illness, the patronizing of women in the academic world of math, and love (a subject with which Broadway has dealt before, from time to time). The Tony Award-winning British import *Copenhagen*, by Michael Frayn, more directly infuses physics into its text with endless discussions of the morality of nuclear weapons, the nature of friendship, complicity with evil, and perceptions of truth and betrayal.

These two works both desire to present the "romance" of math and science: the romance of discovery, of the intellect, and of the mathematicians and physicists themselves. What that means for Broadway, however, is that the characters are assumed to grow in appeal when the hard sciences take on a humanistic tint. Both *Proof* and *Copenhagen* begin, oddly, with key characters dead and speaking from the grave. That requires both plays to rely on flashbacks, which they do, most effectively.

Thirty-one-year-old David Auburn's *Proof* has just made the transition from the off-Broadway, non-profit Manhattan Theater Club to the Walter Kerr Theater on Broadway. Set on the south side of Chicago, near the University of Chicago, the play presents a set of family relations: the love of father and daughter, and the mistrust and hostility between sisters. What distinguishes *Proof* from most other treatments of these old, old themes is Auburn's analysis of the peculiar nature of genius—and the emotional instability that can appear in the life and work of the gifted.

For Auburn, creative genius has undeniable beauty, but that beauty is achieved at the price of harrowing pain. To illustrate this, the playwright has come up with the metaphor of mathematics. *Proof* opens with a scene between Robert (played by Larry Bryggman) and his daughter Catherine (Mary-Louise Parker) on Catherine's twenty-fifth birthday. But the audience soon learns that Robert is dead, and that Catherine is in the midst of planning his funeral.

Into this setting comes the self-admitted geek Hal (Ben Shenkman), a brilliant student of Robert's who has invited himself to go through Robert's study and scour the mathematician's notebooks. Also arriving is Catherine's older "ever practical" sister, Claire (Johanna Day), who is intent on selling the house and moving Catherine to New York. She is "the great White Sister," so to speak, who patronizes her sister, fearing that Catherine may soon be imprisoned by her father's genes.

Catherine gives Hal a key to Robert's study drawer and Hal uncovers a complex mathematical proof, one that only a genius could develop. Hal assumes the late Robert wrote it before he lapsed into illness. At the first act's curtain, however, Catherine claims to have written the proof herself—hence the double meaning of the title: the mathematical proof itself, and Catherine's need to prove that she did it.

Catherine has led an isolated life in which she put her father first. She is witty, sarcastic, and sardonic—very much the alienated outsider who is doubted by Hal and Claire. Catherine is a woman with little formal education in the man's world of higher mathematics. (*Proof* takes on this question of gender without Auburn delivering a diatribe or melodramatic, sanctimonious political statement.) Then, too, Catherine may be suffering from the onset of the illness that ruined Robert's life and career. To get credit for the proof, she must prove her mathematical gifts and prove her sanity as well.

Proof ends hopefully. Surprisingly, although rather sentimental, that ending seems appropriate—especially in this case, where the topics are not only the rare qualities of genius, but the hope for good, sound mental health and the hope for love. Auburn may have intended his play to be an apt, incisive drama of a family torn by different personalities and different lives. But it is an axiom of theater that a play can take on a life of its own—which is what *Proof* does, ever so poignantly.

Rather than mathematics, last season's Broadway hit *Copenhagen* uses nuclear physics as its metaphor. The play, running at the Royale Theater, is inspired by a trip that German

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physicist Werner Heisenberg made to Nazi-occupied Copenhagen at the height of World War II in 1941. While there, Heisenberg is rumored to have met with his one-time mentor, the half-Jewish physicist Niels Bohr. The action of Frayn's play reconstructs that meeting from the various perspectives of Heisenberg (played by Michael Cumpsty), Bohr (Philip Bosco), and Bohr's wife, Margarethe (Blair Brown). The play includes some fairly intricate discussions of physics, including Heisenberg's own "Uncertainty Principle."

Margarethe is a particularly interesting character. She assists Bohr in his work, both as typist and sounding board. Though she has no formal background in physics, she is like Catherine in *Proof*, if only in that she has real scientific ability—and greater insight into Heisenberg and Bohr than either man has into himself. Much of *Copenhagen*, including the relations of the characters, remains uncertain. But this is, of course, Frayn's ostensible point, as he makes clear in the thirty-seven-page postscript to the published version of the play.

The physics in *Copenhagen* is more complicated than the mathematics in *Proof*, but it is, again, primarily a metaphor for human character and the moral implications of the atom bomb. (Heisenberg maintains that he stayed in Germany in part to keep the bomb out of Hitler's hands by slowing down the development of its atomic weapons program.)

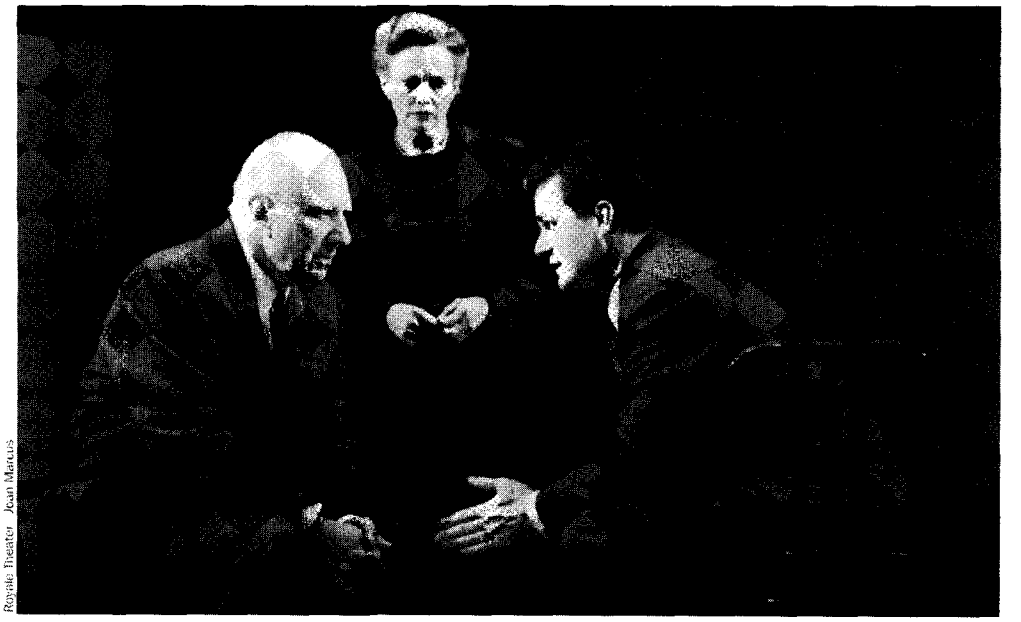
Though the physics may make Frayn's play seem less accessible than *Proof*, *Copenhagen* has, in fact, a reputation for being more intellectual than it deserves. The physics presented remains at a fairly obvious level, and the point of the uncertain plot is human relations accented and flavored by the cognitive models of physics.

In that sense, *Copenhagen* is similar to Tom Stoppard's *Hapgood*, mounted at New York's Lincoln Center in the mid-1990s. In *Hapgood*, Stoppard employs quantum physics to treat espionage in a Cold War setting. (After seeing the original production of *Hapgood* in London in 1988, I happened to meet Felicity Kendal, who played the title role. When I asked her if she could explain the quantum physics to me, she pointed at Stoppard and laughed, "*He* doesn't even understand it.")

For both Frayn and Stoppard, ambiguity is the method and manner of drama. *Wit*, the Pulitzer Prize-winning play by Margaret Edson, is a bit different. (The play had a successful run off-Broadway before embarking on its current national tour.) It touches on science through the medicine of oncology—connected, curiously, with English literature. The protagonist, Vivian, is an esteemed scholar of John Donne and dying of ovarian cancer. Science and Donne's metaphysical poetry provide the play's pretext and central metaphor.

Edson's theme, in part, is that the illness that will eventually take Vivian's life has also changed her life, altering her perception of herself and her past as she approaches her demise. That sounds trite, but it actually works in *Wit*, resonating dramatically throughout the play. Her cancer and medical treatment give her new insights into works like Donne's "Death Be Not Proud"—just as Donne gives her insights into her cancer and treatment.

Donne and the other British metaphysical poets often strove for what they called "wit." So, too, in a different sense of the word, Vivian is a great wit, and her wit remains throughout her deterioration and slow death brought on by her cancer. The treatment of cancer in *Wit* is graphic to the point that it unnerves audiences. To indicate radiation treatments, the actresses in the lead role shave their hair and eyebrows. Vivian moves about the stage attached to an intravenous tube. But the medicine in *Wit* is harder edged than the math in *Proof* or the physics in *Copenhagen*—and *Wit* succeeds, perhaps even better than *Proof* or *Copenhagen*, in turning its pretext into a metaphor for the human condition.



Royale Theater Jean Marcus

Bohr and Heisenberg argue in Copenhagen

And that is why *Wit* works so well as a play. However much Broadway might like to preen, none of the pretexts in the new genre of intellectual plays are actually very intellectual. If "dumbing down" is the process by which most ideas make their way to the stage, some of the plays in this new genre are examples of "dumbing up"—taking on the prestige of deep scientific ideas without doing more than gesturing at them. But when the intellectual pretext breaks through to become a genuine metaphor, then the play succeeds: not as science, but as art. ♦

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State of Terror

War by any other name . . .

BY GARY SCHMITT

In spite of the fact that virtually every major act of terrorism over the past thirty years has been state-supported or state-directed, Americans and their elected officials continue to interpret the phenomenon as the violent, random deeds of the world's lunatic fringe. It's as though we would rather see terrorism as akin to natural disasters than to policy made in an adversary's war room.

Study of Revenge
Saddam Hussein's Unfinished War against America
by Laurie Mylroie
AEI Press, 323 pp., $24.95

The reason is that, as horrific as terrorism can be, its human and material costs have a minimal impact on the American population. Oh, we loudly demand that the culprits be caught and justice meted out. But that indignation passes rapidly as the terrorists' deeds fade and the terrorists themselves disappear into the shadows. And the dirty little secret is that governments are often happy that's the case. If terrorism is state-sponsored, then governments are faced with a choice between waging war in return and ignoring an act of aggression, neither of which is without consequences.

It is precisely this dilemma that Middle East scholar Laurie Mylroie examines in *Study of Revenge: Saddam Hussein's Unfinished War against America*. Are we willing to face the fact that most terrorism consists of acts of war being waged by identifiable nations? No, says Mylroie, as she focuses on the 1993 World Trade Center bombing and the government's apparent willingness to ignore the evidence that pointed toward Iraq's hand in the effort.

Instead, the effort to topple one Trade Center building into the other, bringing down both amid a cloud of cyanide gas, killing thousands in the process, has been handled by the government as a plot carried out by a loosely connected group of Islamic radicals. But, early on, as Mylroie points out, those involved in the investigation and prosecution were well aware of both the holes in this theory and the loose ends that strongly suggested Baghdad had covertly manipulated a largely inept and unimaginative group of Muslims—united only in their hatred of America—into conducting the most audacious terrorist attack ever attempted.

The key is Ramzi Yousef, the mastermind behind the February 1993 bombing. Taking on the role of detective, Mylroie shows how phone records, escape plans, doctored passports, personal histories, and physical incongruities all point to Ramzi Yousef's being an agent of Iraqi intelligence. To this day, these leads have never been followed up by the government.

Study of Revenge argues that a significant problem in the investigation was the division of labor between the Department of Justice, whose job in these cases is to prosecute individuals, and the national security bureaucracy, whose job it is to find out whether the terrorism has a foreign sponsor. But once a prosecution is underway, Justice's concerns become primary, pushing all others into the background. And when the individuals have been caught, convicted, and put behind bars, Justice considers the case closed, its job done. As one Justice Department official put it, Ramzi Yousef's real identity is immaterial: "It doesn't matter. . . . We just try a body."

Of course, this bureaucratic indifference doesn't have to rule, if the administration as a whole is interested in getting to the bottom of things. But, as *Study of Revenge* recounts, the last thing the Clinton White House wanted during its eight years in office was to deal with Iraq in a serious way. The list of what Hussein has done during Clinton's watch is long: an attempt to assassinate former president Bush, a threat to re-invade Kuwait, a program to continue developing weapons of mass destruction, an attack on American-backed Iraqi opposition forces, a successful effort to curtail and then end U.N. weapons inspections, and—as Mylroie contends—a global campaign of terrorism against the United States. But the Clinton administration either refused to notice or, when it did notice, acted indecisively.

The most President Clinton and this team of advisers wanted to do was "contain" Hussein. Pursuing evidence that Iraq was behind an attempt to kill thousands of Americans in New York City on the anniversary of Iraq's defeat in the Gulf War was an investigative road they didn't want to go down. If it had been shown that Baghdad was involved, the administration would have been forced to take action. For Saddam Hussein, the Gulf War never ended. Coming to terms with that fact would require the American government to take steps to remove him and his regime from power.

Study of Revenge, then, is about an ongoing war. But this war by unconventional means is not recognized as such. Rather, as Mylroie points out, the conventional wisdom is that terrorism today is chiefly a product of transnational organizations, motivated by religious extremism, only loosely tied together and, more often than not, directed and funded by a single individual, Usama bin Laden. Witness our initial reaction to the attack on the USS *Cole*. Putting aside for the moment that even bin Laden depends on state sanctuary and state assistance to operate, isn't it reasonable to ask what states had the most to gain from raising the price for our presence in the Gulf?

Gary Schmitt is executive director of the Project for the New American Century.

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When first confronted with terrorism in the late 1960s, U.S. intelligence and the American elite were convinced that most of it was the product of indigenous social-political factors, with few connections to our enemies' capitals. With hindsight and revelations from the archives of the former Soviet empire, we now know this was mostly wrong. Laurie Mylroie's *Study of Revenge* urges that we not repeat this mistake. Given the growing, deadly sophistication of the weapons terrorists can use, it's a point we can't afford to ignore. ♦

Upswing

Mark Gauvreau Judge sees the return of adulthood in the rebirth of swing. **BY JENNIFER KABBANY**

Mark Gauvreau Judge's *If It Ain't Got That Swing: The Rebirth of Grown-Up Culture* is three stories in one. It maps America's journey from civility to raunchiness. It describes Judge's transformation from liberal to conservative. And it traces the rise, fall, and rise again of swing music.

Judge argues that cities used to promote accountability and friendship. Back in the old days, Americans had "third places"—coffee shops, dance halls, corner stores—in which civility was forced to occur because people lived so close to one another. But then architects and city planners created, with the evil suburbs, zones of anonymity and isolation. Judge quotes longtime Washingtonians recalling life in the District of Columbia to illustrate his point: "When I was growing up," notes one, "everyone within a five-mile radius knew who I was. If I did anything wrong, it got back to my mother before I did."

If It Ain't Got That Swing
The Rebirth of Grown-Up Culture
by Mark Gauvreau Judge
Spence, 125 pp., $22.95

So what happened? The incivility of America's cities increased, Judge argues, in part because of the emerging drug trade, in part because of the radical politics of the 1960s, and in part because of the 30 percent federal excise tax levied against dance clubs in 1944. Well, yes, that list may seem a trifle out of balance. But here in the demise of the dance clubs is the heart of Judge's demand for a return to "grown-up culture."

Of course, Judge won't deny that "the moral deregulation of public space" contributed. Another factor is symbolized by the 1944 launch of *Seventeen* magazine, which made "teenagers" an advertising market. The isolating effect of rock 'n' roll came in the 1950s. Especially traumatic was the selfishness emerging in the 1960s and 1970s: "In America's obsession with fitness and personal appearance, our me-first race-obsessed politics and the therapeutic culture that has taken over our public life, we have become a narcissistic people."

Judge uses his own transformation from liberal to conservative to describe America's social discontent. He grew up in the Washington suburb of Potomac, Maryland, and he "arrived at young adulthood a radical leftist, steeped in the counterculture of the 1960s and the rock 'n' roll nihilism of the 1990s." He believed America was a "country club filled with bigoted Neanderthals."

The first crack in his liberal armor came when he chanced to read Christopher Lasch's *The Revolt of the Elites and the Betrayal of Democracy*. But it was when he took a liking to jazz and read Duke Ellington's memoir that he changed his mind about radical politics. Judge thought Ellington *should* have been "so twisted with rage at his country that he couldn't get out of bed." And yet, somehow, Ellington wasn't. Judge soon realized "the genius behind 'Mood Indigo' . . . and hundreds of others was an elegant, articulate, stylish, patrician who had grown up the son of a butler and risen to play for presidents."

Ellington's debonair attitude illustrates one reason that big bands have seen a rebirth in recent years. Rock music in the 1980s and 1990s revered shock. Rebellion and rage were so common they ran out of targets, Judge notes. The revival of swing music has brought back into focus the pure joy of dancing. "Everything about swing—its dress, manners, unfiltered fun, and pure joy—contradicts the notion that humanity's problems are the result of racism, homophobia, or lack of therapy."

To address America's problems, Lasch prescribed "localism, self-help, community action, and the homely comforts of love, work, and family life." And these are the things, Judge claims, that swing music exalts. It reminds us of proper etiquette between the sexes, and good, clean fun—both things people born after 1965 are starving for.

Here is where the pieces of Judge's argument come together. The rejection of radical politics requires the restoration of old-fashioned manners. The restoration of old-fashioned manners requires the rebirth of urban civility. The rebirth of urban civility requires the resurrection of the dance hall. The resurrection of the dance hall requires the return of swing music. And the return of swing music requires . . . well, the rejection of radical politics. In logic, this is what we call a "vicious circle." But maybe Judge is right, and in real life it could prove a virtuous circle.

Vigorously arguing against the claim that the new swing movement has already died, and arguing even more vigorously against the claim that neo-swing is a continuation of rock 'n' roll, Judge insists that his virtuous circle is not only true—but what young people like himself most deeply want. "People have always assumed that, like the baby-boomers, we have rejected the social and cultural mores of America's past. The truth is we were never offered the choice." ♦

Jennifer Kabbany is an editorial assistant at THE WEEKLY STANDARD.

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Celluloid Candidates

Hollywood goes to Washington.

BY MATTHEW BERKE

The issue of character may come and go in real politics, but it is the defining feature of movie politics. Nearly every conservative observer has complained about Hollywood's ideology in recent years—but few of these observers seem to have noticed that liberalism appears in films not as an argument but as a sign of good character. And the fascination with character is the one constant of political movies since Hollywood began: We could realize the American Dream if only men of integrity and courage would step forward, rallying the masses who are good or bad only because a leader appeals to their best or worst impulses.

This is, admittedly, a limited framework, but it is the one in which some of America's greatest directors and screenwriters have worked. When should a politician stand on absolute principle, and when should he make a reasonable accommodation to the fallen, rough-and-tumble world of politics? How does a politician retain his humanity in a relentlessly public life? How does he lead others while barely managing to cope with his own demons?

The most famous American political movie is Frank Capra's 1939 *Mr. Smith Goes to Washington*, with James Stewart in the title role. Jefferson Smith, head of a youth organization called the "Boy Rangers," is selected by the political bosses of his prairie state to fill a vacancy in the U.S. Senate. But the naive young idealist quickly runs into trouble when he introduces a bill for a camp where kids can learn about nature and American ideals. Unfortunately, "the machine" back home has already slated the proposed site for a crooked land scheme.

When Smith refuses to back down, the bad guys organize a slander campaign. Official Washington calls for his removal from office, but Jean Arthur, his jaded legislative aide, realizes that Jeff has "plain, decent, everyday common rightness. And this country could use some of that. So could the whole cockeyed world." She persuades him to stage a filibuster to save his bill, his reputation, and his faith in American institutions. Unshaven and exhausted, his voice cracking, Smith holds the floor for twenty-four hours, pleading for "plain ordinary kindness . . . and a little lookin' out for the other guy, too!" Just as he is about to collapse, the tide turns, thanks to the Boy Rangers' publicity campaign and a hysterical last-minute confession from his opponent, Claude Rains.

Mr. Smith is pure corn: a pat, sentimental, feel-good yarn in which good will and gumption overcome evil within two hours. But *Mr. Smith* was never meant to bear detailed scrutiny. It's not about the normal give-and-take of politics, but the pre-political foundation of democracy. It's an outpouring of moral consciousness, a fable of the lone individual resisting organized evil with only truth and right. *Mr. Smith* was unfavorably received, even reviled, in Washington and Hollywood. Fearing that fascists would use the film as propaganda against "decadent" democracy, a consortium actually offered Columbia two million dollars to can the film. But audiences elsewhere grasped that the story is a vindication of democratic values.

Uncompromising idealism didn't work so well in Capra's *State of the Union* (1948), the story of wealthy industrialist and Republican presidential hopeful Grant Matthews (Spencer Tracy), a man of integrity who makes no concession or compromise to "special interests." To win the nomination, however, Matthews soon finds himself dispensing favors, jobs, and flattery. Katharine Hepburn as Mary, the candidate's estranged wife and conscience, laments, "They're killing Grant, they're slicing him up sliver by sliver until there's nothing." In a film that isn't purely symbolic (like *Mr. Smith Goes to Washington*), this stubborn absolutism seems shallow and petulant. Still, *State of the Union* effectively shows the enormous, often conflicting, pressures put on political candidates. It also teaches the important lesson that a man must attend to the state of his marital union before that of the federal union.

Better is *Young Mr. Lincoln*, John Ford's 1939 meditation on political leadership, which seems at first little more than an animated Thomas Hart Benton painting, a bit of nostalgic Americana. Henry Fonda is surprisingly convincing as a young man, tall and ungainly, having to untangle himself when he rises to give a speech. "You all know who I am," he tells the crowd, and of course we do know; the movie simply represents to us in stunning visual form the myth of Lincoln, the man of destiny, who rises from humble origins, suffers the loss of a mother and sweetheart, spares no effort to get hold of books, and chooses a career in the law. Men have rights, he reads in Blackstone's *Commentaries*, and "wrongs are violations of those rights. . . . By jimm, that's all there is to it—right and wrong!"

Though plagued by melancholy and self-doubt, Ford's Lincoln emerges even at this early stage as a leader and unifier, settling legal disputes with Solomonic wisdom, diffusing a bitter dispute with a clever quip, declining to judge between apple and peach in a pie-eating contest—anticipating his reservation of human judgment on the nation's greatest crisis. But he's not all sweetness and light: After explaining in legalese why his neighbors shouldn't lynch an accused man, he adds, "Gentlemen, I'm not here to make any speeches. All I got to say is, I can lick

Matthew Berke is managing editor of First Things.

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All photos: The Everett Collection.

Above: Cliff Robertson and Henry Fonda in The Best Man. *Below: Akim Tamiroff and Brian Donlevy in* The Great McGinty.

any man here . . . hands down." Jefferson Smith is the common man at his peak, but Lincoln is the incarnation of greatness, combining high ideals with practical wisdom and driven by a power beyond himself. At the end he walks down a long road at dusk, approaching a great but unknown destiny.

Unlike Capra and Ford, director Preston Sturges never touches the deepest emotional chords, but he can spin a hilarious story that also ends up having a serious message. *The Great McGinty* (1940) is his tongue-in-cheek hymn to political graft. Daniel McGinty (Brian Donlevy), a tough Depression-era hobo, is pulled off a breadline by the city's political boss (Akim Tamiroff). Starting as a protection-racket strongman ("You need to be protected from human greed," he explains to his victims), McGinty rises to alderman, then mayor, and finally governor—with bribes, threats, and chicanery every step of the way. William Demarest (one of the great American character actors) delivers the ultimate tribute to payola: "If it weren't for graft, you would get a low type of people in politics. Men without ambition—jellyfish!"

Rising to governor, McGinty is finally secure in his social status and free from want; softened by his wife and children, he feels strong enough to buck the machine and provide relief to tenement dwellers and sweatshop laborers—or at least he tries. Superficially cynical, *The Great McGinty* actually presents a moving account of how a bad man can sometimes turn good, and how better things may come from a reformed bum than an arrogant idealist.

If *The Great McGinty* overemphasizes the venality of the urban political machine, John Ford's 1958 gem *The Last Hurrah* completely ignores it, stressing instead how, in the pre-welfare era, city politicians provided poor immigrants with a personal brand of social service until they could assimilate into the American mainstream. Spencer Tracy turns in one of his greatest performances as Frank Skeffington, a doughty old Irish pol and mayor. (Based on Edwin O'Connor's novel, the movie also has parallels to the real-life career of Boston mayor James Michael Curley.) By ignoring the machine's parasitic dimension, Ford is able to draw into uncluttered relief a nobly and unapologetically patriarchal social order. Charles Lawton Jr.'s fine black-and-white cinematography helps to conjure up the old city streets with poor-but-tidy back alleys, the boisterous Irish-immigrant wake, the campaign headquarters with beat cops stopping by for coffee and sandwiches, the cigar-smoking men in overcoats and fedoras. And who can resist Pat O'Brien as a ward boss who says, "You've done grand things, Frank—grand, grand things"?

Among political farces, nothing quite measures up to *The Great McGinty*, but for pure fun there is *The Farmer's Daughter* (1947), with Loretta Young as Katie Holstrom, a poor but gorgeous Swedish-American girl who moves to the big city, becomes a maid, and, through perspicacity and spunk, ends up running for Congress on a platform of milk for schoolchildren and a higher minimum wage. *The Senator Was Indiscreet*, a 1947 film from George S. Kaufman, is a *McGinty* wannabe that goes nowhere, though it gets off one good line: "If you can't beat 'em, bribe 'em!"

The 1960s brought a new level of realism to political movies. *Advise and Consent*, Otto Preminger's 1962 adaptation of Allen Drury's novel, has the U.S. Senate deliberating over a presidential nominee for secretary of state. Robert Leffingwell (Henry Fonda) is an Alger Hiss knockoff, a snobby, self-confessed liberal "egghead" who is glibly evasive about allegations that he once attended a Communist meeting. Never before had any movie shown the practices and procedures of the Senate with such detail—not only the visible parliamentary aspects but the behind-the-scenes negotiating, horse-trading, and back-stabbing (including blackmail against a senator with a homosexual past). But despite all the human frailties and nasty hardball, *Advise and Consent* is an exercise in political reassurance: The system *does* work, in large part because most of the senators are honorable men accepting partially moral solutions and refusing to let the perfect be the enemy of the good. Also, it doesn't hurt that they have a nice life in the gentlemen's club the Senate once was. Though it softens the book's even harder edge, this is a conservative movie that somehow snuck past Hollywood's liberal radar.

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Henry Fonda plays another liberal intellectual in *The Best Man*, a 1964 production using Gore Vidal's own screen adaptation of his stage play. Fonda's Senator Bill Russell is more Adlai Stevenson than Alger Hiss—humane but weak and indecisive. His opponent, Senator Joe Cantwell (Cliff Robertson), is a nasty, right-wing street fighter, a Nixon-McCarthy blend with a touch of Barry Goldwater.

The drama turns on which candidate will receive the blessing of ex-president Art Hockstader (Lee Tracy), a feisty Truman-inspired character who is terminally ill. Hockstader tries to convince Cantwell not to reveal that Russell once had a nervous breakdown. But though Hockstader despises Cantwell, he can't abide Russell, who refuses to fight even though he knows a nasty rumor about Cantwell. "Power is not a toy we give to good children," Hockstader says. "If you don't fight, this job is not for you, and it never will be."

Political films in the 1970s raised the ante of realism even higher. *The Candidate* (1972), directed by Michael Ritchie, brilliantly recreates the frenzy of a major campaign: the whirl of meetings, speeches, rubber-chicken dinners, fund-raisers, female groupies, photo ops, and microphones with ear-popping reverb. The sense of authenticity is further enhanced by the presence of real political professionals in minor roles.

Robert Redford plays Bill McKay, son of the former California governor (Melvyn Douglas) and an attorney at a legal clinic serving the poor. McKay hates the sordid world of politics, but is persuaded to run for the U.S. Senate when political consultant Marvin Lucas (Peter Boyle) tells him he's sure to lose, so he can say whatever he wants, using the campaign as a platform for his ideas. (His ideas, alas, turn out to be standard liberal pieties on abortion, busing, environmentalism, welfare, etc.) McKay's opponent is a conservative establishment blowhard with the unlikely name of Crocker Jarmon. Jarmon seems unbeatable at first, but eventually voters come to like the hip, handsome young idealist with the rumpled clothes and the wind-tossed shock of blond hair. McKay supporters tend to be cool young people, ghetto blacks, concerned-looking suburbanites, and movie stars; the Jarmon coalition is composed of unphotogenic rich creeps and obese, lower-middle-class slobs with bad teeth—the types the media delight in displaying at every Republican convention.

With a real chance to win, McKay now must speak to journalists when he's not in the mood, tailor his clothing and his message to popular tastes, and pretend to like people he hates. His own words, repeated over and over and over, begin to sound absurd to him; in private he babbles fragments from stump speeches in an incoherent stream. McKay's final mortification comes when his cynical old father tells him, "Congratulations, son, you're a *politician*."

In the end, it's not clear what *The Candidate* is really about. Is it that the *process* of politics is corrupting and dehumanizing, that a candidate makes so many concessions and compromises that he loses his very soul? For newly sensitized moviegoers in the early 1970s, that was probably the preferred interpretation. A second possibility, though, is that McKay simply lacks a center, that he holds his ideas casually, and, when forced to present them publicly, he finds them incoherent.

Perhaps the filmmakers started out to make the first point but inadvertently made the second—which is part of what makes *The Candidate* a genuinely interesting picture. (*The Candidate* only touches the surface of sexual temptation and infidelity, an eternal element of big-time politics. *The Seduction of Joe Tynan*, a pretty good 1979 film with Alan Alda and Meryl Streep, develops the theme of illicit sex in the corridors of power. Streep tells Alda: "I think you are the most exciting political figure in the country today. When I think about it, I get weak in the knees." Does she ever.)

Robert Redford in The Candidate

Hollywood's increasing radicalism was at least partially responsible for the cynical realism that dominated political movies from the 1960s on. But it was only in the 1990s that the radicalism finally trumped even the realism. After Oliver Stone gave us his portrayal of the media-government-finance conspiracy he called "The Beast" in his 1991 fantasy *JFK*, he gave us *Nixon*, a 1995 film biography of the thirty-seventh president. This time we actually see The Beast's face: It's none other than Larry Hagman, ol' J.R. Ewing from *Dallas*, looking the model of the sinister white guy—a standard Hollywood stereotype nowadays. Nixon (Anthony Hopkins), having eased relations with Russia and China, is challenged by the Hagman character: "Aren't you forgetting who put you

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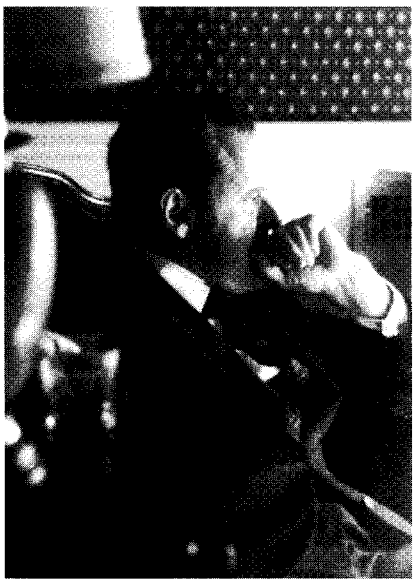
here?" "The American people put me here," replies the president. "Really? Well, that can be changed." And you thought the coup against Nixon was orchestrated by the left! In *Nixon* you always know The Beast is around when you see cartoon-like clouds flying over the White House. (Another fine Nixon performance is Lane Smith's in *The Final Days*, a 1989 made-for-TV movie that succeeds—too much for its own



Anthony Hopkins in Nixon

good—in showing how dull government is. For a comic Nixon, Dan Hedaya is just right in *Dick*, a silly 1999 Watergate spoof in which two ditzy Valley Girl types turn out to be the real agents of Nixon's downfall.)

Rob Reiner's *The American President* (1995) is a romantic comedy with just enough sex to disqualify it as family viewing. Andrew Shepherd, played by Michael Douglas, is the model of leadership: liberal but prudent, principled but worldly, dynamic yet glib and self-effacing, reflective but decisive. When he has to bomb Libya in retaliation for terrorist acts, for instance, he attacks at night in order to minimize civilian casualties; even then he worries about the poor janitor who thinks it's just another night mopping up at Terrorist Headquarters.

Shepherd, a lonely widower and single parent with a cute, sassy daughter, ends up falling in love with environmental lobbyist Sydney Ellen Wade (Annette Bening), who alternates between tough Washington insider and weak-kneed, infatuated schoolgirl. Sydney likes Andrew, but she worries that he might not be right for her. In exasperation, her sister Beth says, "Sydney, the man is the leader of the free world, he's brilliant, he's funny, he's an above-average dancer. Isn't it possible our standards are just a tad too high?" Politics intrudes when conservative Republican Bob Rumson (Richard Dreyfuss) attacks the president for protecting the environment too much and standards of sexual propriety too little—and out goes any semblance of realism. Does anyone believe conservatives get hysterical over discreet premarital sex in an age where the divide between liberals and conservatives is whether the Boy Scouts should be forced to accept gay scoutmasters?

Primary Colors, Mike Nichols's 1998 screen adaptation of the roman à clef by Joe Klein, is about Jack Stanton (John Travolta), a dead-ringer for Bill Clinton in his first presidential race. Misleading in purporting to tell the whole sordid story, *Primary Colors* is still great entertainment and gets a lot right. It captures beautifully the Clintonian blending of public compassion and private ruthlessness, his shameless and predatory womanizing, his seductive appeal to those "aching to do good."

In a sense, *Primary Colors* is less about the president than that "aching to do good," and the desperate will to believe in a leader. Whatever its intentions, the film makes a very strong case that no beautiful flower will emerge from the muck of such a candidacy. Though Stanton may have hitched his wagon to the star of bureaucratically administered compassion, he has no center but his own lust for power and glory, and will, when it suits him, jettison any of the programs and policies that are so dear to his followers—justifying every move in what one character calls that "tender-hearted voice" of his. It's not that a flawed man can never be a good leader, but that this man's personal vices are paralleled in his politics: It's love 'em and leave 'em with the women *and* the political supporters he seduces.

Old-fashioned political farce has made a comeback in recent years. *Dave* (1993) stars Kevin Kline as a sweet-tempered presidential look-alike who actually becomes the commander-in-chief. He defends orphans against federal budget cuts, thwarts a wicked conspiracy, and wins the girl (Sigourney Weaver). *Wag the Dog* (1997) is a frequently hilarious farce about an incumbent president (never actually seen or heard) whose reelection is jeopardized by a sex scandal. To distract public attention, the president's media handlers—Dustin Hoffman, Robert De Niro, and Anne Heche—produce a war that doesn't exist except in images on television.

Indeed, with Warren Beatty's *Bulworth* (1998), we've come full circle, back to pure fantasy. Bulworth is a U.S. Senator so wracked with guilt over his conservative politics that he contracts with a mobster to have himself assassinated, freeing him in the meantime to tell the truth about politics. There were real possibilities here, but Beatty fritters it away with speeches saying that the country needs *socialism*. (Gee, why didn't anybody think of that?) Having built a socialist-crack dealer alliance, as well as romance with a femme fatale named Nina (Halle Berry, reprising her great role from *The Flintstones* movie of 1994), the senator tries to call off the assassination. *Bulworth* expresses everything that's horrible about Hollywood liberalism today: It is sexually libertine, self-righteous, apocalyptic, and wrong about nearly everything. You end up hoping the hit man never gets the message.

We may have returned to politics as fantasy in recent years: The most recent political film, last month's *The Contender*, is pure wish fulfillment. But everything else has changed—everything, that is, except Hollywood's insistence that all that matters in politics is character. If what the movies think constitutes character these days doesn't appeal to you, go down to the video store and rent *Mr. Smith Goes to Washington*, *The Great McGinty*, and *The Candidate*. Taken as a whole, these political movies are, after their own fashion, a kind of testament to the American democratic experiment. ♦

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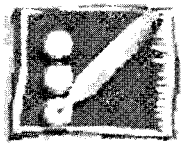

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ELECTORS FOR PRESIDENT AND VICE PRESIDENT
(A vote for the candidate will actually be a vote for their electors—or for Pat Buchanan. Whichever.)

(Vote for Group)

(REPUBLICAN)
GEORGE W. BUSH • PRESIDENT
RICHARD B. CHENEY • VICE PRESIDENT
3 ➔ 3

(DEMOCRAT)
ALBERT GORE • PRESIDENT
THAT NICE LIEBERMAN BOY • VICE PRESIDENT
5 ➔ 5

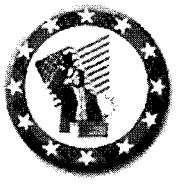
(PUBLISHERS CLEARINGHOUSE)
DICK CLARK • PRESIDENT
ED McMAHON • VICE PRESIDENT
You may have already won!
7 ➔ 7

(NOSTALGIA PARTY)
AL SMITH • PRESIDENT
ADLAI STEVENSON • VICE PRESIDENT
9 ➔ 9

4 ➔ 4
(REFORM PARTY)
PATRICK BUCHANAN • PRESIDENT
EZOLA FOSTER • VICE PRESIDENT
What, are you crazy?

6 ➔ 6
(MORON PARTY)
I'M WITH STUPID

8 ➔ 8
(WISHFUL THINKING PARTY)
MY SON THE DOCTOR • PRESIDENT
MRS. BARNES'S VERY NICE DAUGHTER WHO WENT TO HARVARD AND SHOULD BE MARRIED ALREADY • VICE PRESIDENT



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Who Speaks for the Teachers?

Hanna Skandera is a public affairs fellow at the Hoover Institution.

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The National Education Association (NEA) and the American Federation of Teachers (AFT) are the nation's largest teachers unions—influential institutions, not just in education but in politics as well. Interestingly, labor unions give *more than 90 percent* of their political contributions to Democratic candidates. The two teachers unions are no different. Although the NEA consistently refers to its bipartisanship and has membership data to prove it, **both NEA and AFT political contributions lean heavily toward the Democratic Party;** in fact of their 1999–2000 PAC contributions to federal candidates, 98 percent have gone to Democrats. Furthermore, in 1999 NEA and AFT soft-money contributions ranked sixth and seventh among the Democratic Party's 5,000 donors.

Talking about political affiliations in a recent National Public Radio interview, Bob Chase, president of the NEA, stated that his members are "not majority Democratic. Our membership breaks down very similar to the general public as far as percentage being Democratic, Republican, and independent." This is particularly relevant since at least 75 percent of public school teachers are members of the NEA or the AFT. From 1971 to 1996, teachers' political affiliations have been relatively constant in their distribution among Democrats (about 40 percent), Republicans (about 30 percent), and "no affiliation/other" (the remaining 30 percent).

Teachers' voting patterns are consistent with their voter registrations and show that they are in the American mainstream. The CBS/*New York Times* exit polls of the 1980 presidential elections revealed that 46 percent of teachers voted for Ronald Reagan, 41 percent for Jimmy Carter, and 10 percent for John Anderson. By comparison, 51 percent of nonteachers voted for Reagan, 40 percent for Carter, and 6 percent for Anderson—trivial differences between the two groups. The 1984 exit polls produced similar numbers. The political contributions, however, of both the NEA and the AFT are in sharp contrast to the voting records of their memberships.

It is instructive to note that when teachers are given a choice, they do not prefer to spend resources on politics, much less partisan politics. Between 1992 and 1997 in Washington state, where unions were required to obtain annual permission before collecting or using any portion of workers' salaries for political purposes, the number of teachers contributing to the education union's PAC declined by 82.2 percent. This could mean that when you see ads paid for by the teachers unions that are against vouchers and charter schools or endorse a Democratic candidate, they may *not* reflect the opinions of large numbers of teachers. Presumably, teachers want to teach, to help their students—that's why they enter the profession. In the classroom, they're not afraid to innovate, motivate, and adjust. If we believe voter registration data and voting patterns, **the unions' stand may not be the typical teacher's stand.**

So who speaks for the teachers? In political battles, it doesn't appear to be the NEA or the AFT. It is disconcerting to see that "representative" institutions like the NEA and the AFT can miss the mark by such a wide margin.

— Hanna Skandera and Richard Sousa

Paid for by the Hoover Institution, Stanford University.

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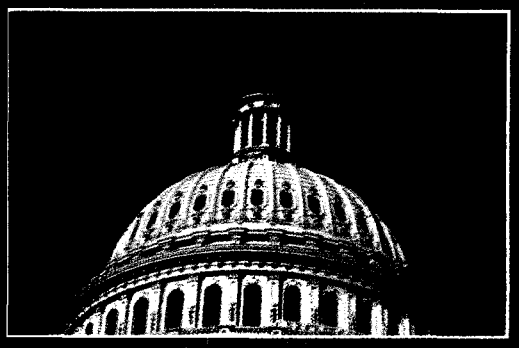

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Claire Panke, RN

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